KING COUNTY INTERNATIONAL AIRPORT

STORM DRAINAGE STUDY

JULY 1995

APPENDICES VOLUME I

Appendix A

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APPENDICES

A.1 National Pollution Discharge Elimination System / Baseline General Permit

A.2 King County Surface Water Management - Core requirements

APPENDIX A.1

NPDES/BGP

11/18/92

FINAL

FACT SHEET

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

FACT SHEET - FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) AND STATE WASTE DISCHARGE BASELINE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES.

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PUBLIC INVOLVEMENT OPPORTUNITIES:

Due to the broad impact of and interest in Ecology's new industrial storm water permit program, Ecology decided upon the following process for public involvement in developing this Baseline General Permit.

Advisory Committee:

In developing this baseline general permit for industrial activities, Ecology has considered the input of an advisory committee. Advisory committee members were selected by Ecology from a list of volunteers. The committee included 43 representatives of small and large industries, construction contractors, consultants, environmental organizations, city and county governments, state agencies, and special purpose districts.

Public Workshops:

Ecology held a series of public informational meetings, which we refer to as workshops. Those interested in or affected by the permit had the opportunity to attend these workshops to learn about the permit and to voice views and concerns on the topic. Workshops were held as follows:

Wenatchee
Wednesday, July 15, 7:00 p.m.
Wenatchee PUD
1151 Valley Mall Parkway
East Wenatchee

Seattle
Thursday, July 16, 7:00 p.m.
Shoreline Community College
Little Theater, Building 300
16101 Greenwood Avenue N.

Spokane
Monday, July 20, 7:00 p.m.
Spokane Community College
Lair Building #6, Sasquatch Rm.
1810 N. Greene St.

Pasco
Tuesday, July 21, 7:00 p.m.
Columbia Basin Community College
Library/Media Center, Building L
2600 N. 20th

Longview
Thursday, July 23, 7:00 p.m.
Lower Columbia College
Founders Room (Room 119)
1600 Maple

Tacoma
Friday, July 24, 7:00 p.m.
Sheraton Inn
Tacoma Ballroom
1320 Broadway Plaza

Tacoma
Monday, July 27, 7:00 p.m.
Sheraton Inn
Tacoma Ballroom
1320 Broadway Plaza

Public Hearings:

Ecology considered modifications to the draft Baseline General Permit based on the comments and information gathered at the public workshops, and on written comments submitted by any interested persons. A short list of modifications was prepared. The draft permit and those modifications were presented at public hearings in August, 1992.

Public hearings are a formal process. At the public hearings, Ecology summarized the content and conditions of the draft permit. Formal public comment was taken. Comments were recorded and entered into the official public record. Written comments on the draft permit were accepted until Tuesday, September 8, 1992.

The public hearings schedule was:

Olympia/Tumwater
Monday, August 24, 7:00 p.m.
Tyee Hotel, Olympia Room
500 Tyee Drive
Tumwater

Seattle
Tuesday, August 25, 7:00 p.m.
Shoreline Community College
Little Theater, Building 300
16101 Greenwood Avenue N.

Spokane
Thursday, August 27, 7:00 p.m.
Spokane Community College
Lair Building #6, Sasquatch Room
1810 N. Greene St.

Yakima
Monday, August 31, 7:00 p.m.
Yakima Valley Community Coll.
Kendall Auditorium
S. 16th Ave. and West Nob Hill

Response to Comments:

Ecology considered all comments on the draft permit and decided whether to make any modifications to the permit based on those comments. A written record of all comments and Ecology's responses to them was prepared. Ecology will send a Responsiveness Summary to all who commented at public hearings or who submitted written comments on the draft permit by September 8.

BACKGROUND:

In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act) was amended to provide that the discharge of any pollutants to waters of the United States from any point source is unlawful, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. NPDES permits are issued by the United States Environmental Protection Agency (USEPA), or by state agencies which have been delegated NPDES permit authority by USEPA.

In 1987, Congress added section 402(p) to the Clean Water Act to establish a comprehensive framework for addressing municipal and industrial storm water discharges under the NPDES permit program. Section 402(p)(4) of the Clean Water Act clarifies the requirement for USEPA and delegated state agencies to issue NPDES permits for storm water discharges associated with industrial activity.

On November 16, 1990 (55 FR 47990), USEPA published final regulations on storm water. (For purposes of this permit, Ecology has defined storm water as rainfall and snowmelt runoff.) Additional rules related to storm water permitting were published on April 2, 1992 (57 FR 11394). The goals of these new storm water regulations are to:

- Stop the illegal discharge of waste waters and other pollutants into storm sewers;
- Reduce the amount of pollutants in storm water;
- Establish a permit system for storm water discharged by municipalities over 100,000 in population;
- Establish a permit system for storm water discharged from industrial sites;
- Eliminate water quality standards violations caused by storm water discharges.

The regulations require an NPDES permit for industrial facilities and construction activities (disturbing five or more acres) that discharge "storm water associated with industrial activities" directly to surface waters, or indirectly through municipal storm sewers. The regulations include a definition of "storm water associated with industrial activity," and a listing of application requirements for storm water permits.

ECOLOGY'S PERMITTING APPROACH:

Issuance of a Baseline General Permit:

The USEPA regulations allow state agencies which have been delegated NPDES permit authority to issue individual permits or general permits to regulate the discharge of industrial storm water. The Washington Department of Ecology (Ecology), as a delegated NPDES state agency, is responsible for implementing the USEPA requirements for industrial storm water permits in Washington State. As a first step in implementing the federal storm water requirements, Ecology plans to write one general permit which will cover most of the thousands of industries and construction activities required to have a storm water permit. We refer to this permit as the Baseline General Permit for Industrial Storm Water or, more simply, the Baseline General Permit (BGP).

Ecology has selected this general permit approach for industrial storm water permitting for the following reasons:

- A Baseline General Permit is the most efficient method to handle the expected thousands of industrial storm water permit applications;
- The federal application requirements for coverage under a general permit for storm water are far less rigorous than individual permit application requirements. A Baseline General Permit will be most industries' first experience with the NPDES permitting program and the issues of water quality protection. A simplified application process will ease their initiation into the permitting program;
- A Baseline General Permit is consistent with USEPA's four-tier permitting strategy, the purpose of which is to use the flexibility provided by the Clean Water Act in designing a workable and reasonable permitting system;

- A Baseline General Permit is an efficient method to establish minimum regulatory requirements that are appropriate for all industries, regardless of size;

- A Baseline General Permit encourages all industries to begin implementing "best management practices" (BMPs) to prevent pollution as soon as practicable;

- A Baseline General Permit is the only practical way to apply Ecology's limited resources for implementing federal storm water regulations;

- A Baseline General Permit is the only practical means available to allow industries to meet or approach the federally-established deadline of October 1, 1992 for applying for a permit.

Development of Industry-Specific General Permits:

After the Baseline General Permit program is underway, Ecology will consider the development of several industry-specific general permits for storm water. An industry-specific permit is a permit which can apply to all industries of a similar type. An industry-specific permit may be more appropriate for industries which Ecology considers to have a higher storm water pollution potential than other industries. Development of such industry-specific permits is also consistent with USEPA's long term permitting strategy.

As discussed elsewhere in this fact sheet, Ecology's permitting strategy includes development of a mechanism to identify and address those industries which have a higher potential to violate state surface water quality standards (Chapter 173-201 WAC), ground water quality standards (Chapter 173-200 WAC), or sediment management standards (Chapter 173-204 WAC) even after the implementation of Best Management Practices (BMPs) to reduce storm water pollution. (Hereafter, in this Fact Sheet, the term "standards" shall refer to all three types of standards referred to above)

Status of Group Applications:

Approximately 2,000 industrial facilities in Washington State have elected to participate in group applications to USEPA, as allowed under federal regulations, for coverage under a permit developed specifically for their group. These 2,000 facilities are participating in a total of 162 groups. These group applicants should be aware that Ecology is not required to issue group-specific general permits. Ecology intends to cover the industries in these groups, at least initially, under the baseline general permit. Ecology bases this decision on the following:

- Review of 162 EPA model permits and preparation and issuance of 162 group-specific general permits is administratively burdensome and inconsistent with Ecology's long-term permitting strategy.

- Accepting the group application and permit development process would result in an inequitable and ineffective storm water permit program. Group applicants would not be required to begin planning and implementing pollution prevention plans until after they receive a permit. Presently, USEPA and Ecology do not have, nor do they anticipate that they will have, resources to develop and issue group-specific permits. With a modest increase in resources, issuance of group-specific general permits could still take many

years. Meanwhile, dischargers covered under the baseline general permit will be required to plan and implement their pollution prevention plans within two or three years.

Therefore, all industries participating in group applications to USEPA must either obtain coverage under this baseline general permit or apply for an individual permit. Ecology encourages those industries that are part of group applications to USEPA to submit a NOTICE OF INTENT for coverage under the baseline general permit.

Individual Permits:

Industries may also satisfy the federal regulatory requirement for coverage under a storm water permit by applying for an individual permit. Except for facilities which currently have individual permits, Ecology expects to issue individual permits for storm water discharges only for exceptional circumstances. As previously stated, Ecology's permitting strategy is to cover initially all facilities under the baseline general permit. Ecology will determine which facilities require individual permits at a later date.

Facilities which have existing individual or general permits should apply for coverage under the baseline general permit for industrial storm water discharges not explicitly covered under their existing permit. When a facility's individual permit is reissued, storm water requirements will be added to it. Coverage under this baseline general permit will then automatically cease.

BASELINE GENERAL PERMIT IS AN NPDES AND A STATE WASTE DISCHARGE PERMIT:

Not only does Ecology have the authority to issue NPDES permits, but it also has authority under state law to issue State Waste Discharge permits for discharges to state surface waters and ground waters. This baseline general permit is issued under both authorities.

This allows Ecology to not only regulate discharges to surface waters under the permit, but also to regulate discharges to the ground. However, Ecology will not regulate under this permit those industries and construction activities which discharge only to the ground. (Ecology may issue a separate permit for such dischargers in the future.) Ecology will regulate under this permit, those facilities which have a discharge to the ground only if they also have a discharge to a surface water, a municipal storm sewer, or a privately owned storm sewer which discharges to surface water. This is a practical decision. First of all, Ecology does not have the resources to address those industries and construction activities which discharge only to the ground. Secondly, it is appropriate for industries, which have to take measures to reduce the discharge of pollutants to surface waters, to also reduce their potential to discharge pollutants to ground water (i.e. to develop a facility-wide storm water pollution prevention plan regardless of the ultimate discharge location).

COMPLIANCE WITH TECHNOLOGY-BASED AND WATER QUALITY-BASED REQUIREMENTS OF THE CLEAN WATER ACT AND STATE LAW.

Regulation of the broad classification of industrial storm water is a new endeavor that presents many challenges. Ecology anticipates that it will take many years to fully implement an industrial storm water regulatory program which achieves all of the objectives of the USEPA storm water regulations, the Federal Clean Water Act, and state law.

Discharges of industrial storm water must meet all applicable provisions of Sections 301 and 402 of the Clean Water Act. These provisions require control of pollutant discharges to a level equivalent to Best Available Technology Economically Achievable (BAT) for toxic and unconventional pollutants, and Best Conventional Pollutant Control Technology (BCT) for conventional pollutants, and any more stringent limitations necessary to meet water quality standards. In addition, state law requires discharges to apply all known, available, and reasonable (methods) of treatment (AKART) to prevent and control the pollution of the waters of the state of Washington. State law also requires any other more stringent limitations necessary to meet all applicable state standards.

Given the vast numbers of industries covered by this permit, and due to a lack of available data on storm water quality and impacts of storm water from all these industries, it is not feasible at this time to establish numeric effluent limitations. Therefore, the requirements of this permit are narrative. The permit requires the development and implementation of Storm Water Pollution Prevention Plans which include Best Management Practices to prevent the pollution of storm water and to reduce the amount of pollutants discharged. USEPA has proposed that implementing Best Management Practices (BMPs) constitutes BAT and BCT for most industrial storm water.

In this permit, Ecology requires industries to make a judgement of which Best Management Practices are necessary to achieve compliance with the best available, and best conventional (BAT and BCT) requirements of federal laws, as well as the all known, available and reasonable technology (AKART) requirements of state law. Although Ecology will not review the vast majority of pollution prevention plans prior to their implementation, it reserves the right to review those plans and require additional measures to prevent and control pollution.

Ecology anticipates that the implementation of a reasonable number and types of Best Management Practices will be all that is necessary for many industries to adequately control any water quality impacts and, thus, to achieve compliance with standards. In some cases, that may not be true; however, Ecology has neither the basis nor the capacity to make that decision on a case-by-case basis for the thousands of industries that are regulated by this permit. Nor does Ecology know at this time, who or where all of these facilities are.

Ecology's permitting strategy to achieve compliance with standards is:

1) Condition the permit (Special Condition S4) such that the permit does not authorize the violation of standards, but allows facilities that are violating standards to come into compliance through the application of BMPs in accordance with the schedule in Special Condition S1.

   Note: This approach meets legal requirements, allows Ecology to take appropriate action where needed and, as necessary, reminds facilities that are in compliance with the standards that the permit does not allow them to get out of compliance.

2) Require development of pollution prevention plans by November 18, 1993 and implementation by November 18, 1994; or November 18, 1995 (for capital improvements).

3) Develop criteria for industries covered by the permit to rate their potential for violation of standards, even though they have implemented technology-based BMPs (see Special Condition S7).

4) Develop monitoring requirements or guidance for facilities with a high potential for violation of standards to verify compliance/non-compliance.

5) Modify or reissue the permit to require 3 and 4 above.

6) Use administrative enforcement discretion, and generally not enforce compliance with standards until the permit approach outlined above has run its course, except in cases where action is needed for the protection of human health or where standards violations require more immediate action due to obvious and severe violations.

Ecology believes that this is the most practical approach to achieving the long-term goal of compliance with standards in consideration of:

1) The administrative burden of the new program and Ecology's limited resource base.

2) The need for continued program development, technical assistance, and education for successful implementation and the time required to accomplish these.

3) Our desire to have equitable treatment of permittees.

4) The impact on permittees who must implement the requirements of the permit.

DESCRIPTION AND RATIONALE FOR BASELINE GENERAL PERMIT CONDITIONS

Summary:

This Baseline General Permit for storm water point source discharges associated with industrial activities requires application of technology-based storm water management controls (referred to as Best Management Practices (BMPs)) for manufacturing, construction activities which disturb five or more acres of total land area (or other minimum land area to be determined by federal regulation), and other industries subject to the federal storm water regulation. The permit requires the permittee to identify and control pollution sources during the first three year phase of this permit. It also outlines a process, to be applied in the next permit cycle, for determining permittees' compliance with standards.

The pollutant control, inspections, and standards provisions of this permit include specific requirements as well as references to technical guidance. Each discharger will be able to select those Best Management Practices best suited for reducing pollutants in its storm water based on site-specific conditions.

A Storm Water Pollution Prevention Plan (SWPPP), to be developed by industrial facilities and retained on-site for inspection by Ecology, must include: an assessment and description of existing and potential pollutant sources; a description of the storm water management controls selected for the facility; and an implementation schedule for the Best Management Practices.

A Storm Water Pollution Prevention Plan for construction activities must include a description of stabilization and structural practices to be used at the site to minimize erosion and the movement of sediments on and from the site. The permit mandates compliance with six stabilization requirements and five structural requirements. Storm Water Pollution Prevention Plans for

construction activities initiated before November 18, 1992, and still active as of November 18, 1993 must be prepared and implemented as of the later date.

Storm Water Pollution Prevention Plans should not be confused with other regulatory requirements for pollution prevention, such as the industrial Pollution Prevention Plans for hazardous materials and waste reduction required by the state Hazardous Waste Reduction Act. Facilities which must develop similar pollution prevention plans should look for areas of overlap in these plans, and incorporate them into the Storm Water Pollution Prevention Plan.

S1-Schedule of Compliance

Industrial Facilities:

Notices of Intent shall be submitted to Ecology:

- On or before February 18, 1993, for any facility which was operating on or before November 18, 1992;
- On or before February 18, 1993, for any facility which began operation after November 18, 1992, but before February 18, 1993;
- At least 30 days prior to commencing industrial activity, for any facility starting on or after February 18, 1993.

The three-month application time period is considered a reasonable window of opportunity for facilities to submit their NOIs. It allows time for new facilities to complete the public notice and SEPA requirements of the NOI.

Ecology's compliance deadline for development of a Storm Water Pollution Prevention Plan for existing (i.e. operational as of November 18, 1992) industrial facilities is November 18, 1993. The deadline for implementing the Storm Water Pollution Prevention Plan at existing facilities is November 18, 1994. In those instances where capital improvements (see definition in permit) are needed to implement the plan, the compliance deadline is November 18, 1995.

The deadline for developing and implementing the plan is May 18, 1993, for facilities which begin operations after November 18, 1992, but before May 18, 1993. Facilities which start-up after May 18, 1993, must develop and implement their plan prior to submitting an application (NOI) for the permit, and prior to starting operation.

Assessing pollution sources, determining the existence of non-storm water discharges (including appropriate studies), selecting BMPs, and writing the Storm Water Pollution Prevention Plan can take up to 12 months at facilities which were operational on or before November 18, 1992. To implement the appropriate operational and source control BMPs, including good housekeeping measures, employee training, equipment repairs, management coordination and approvals, may take an additional 12 months. Ecology encourages the development and implementation of Storm Water Pollution Prevention Plans in less than 24 months, wherever practicable.

Ecology is allowing 12 months for the development, and 24 additional months for the implementation of the Storm Water Pollution Prevention Plan at existing industrial facilities which identify that they need "capital improvements" (see definition in permit) for source control or

treatment BMPs, or manufacturing changes. It is reasonable to allow up to 24 months for the planning, engineering, management approval, procurement, construction and startup of such capital improvements. Examples of the types of BMPs which may require up to 24 months after the development of the Storm Water Pollution Prevention Plan are sedimentation basins, oil-water separation equipment, detention/retention basins, process changes, and containment and pump systems. Estimates of costs for these types of systems for the large manufacturing facilities can range from $300,000 to $1,000,000. In some cases, the appropriate studies for locating non-storm water discharges at large manufacturing sites can cost more than $100,000.

The above compliance schedule and rationale is consistent with Section 402(p) of the Clean Water Act, which allows compliance schedules of up to three years after the date of issuance of the permit.

Construction Activities:

Notices of Intent shall be submitted to Ecology:

- On or before February 18, 1993, for any construction which was active on or prior to November 18, 1992;
- On or before February 18, 1993, for construction which began after November 18, 1992, but before February 18, 1993;
- At least 10 days prior to beginning construction for any site beginning operation on or after February 18, 1993.

The three month application time period is considered a reasonable window of opportunity for construction sites to submit their NOIs. It allows time for new sites to complete the public notice and SEPA requirements of the NOI.

Storm Water Pollution Prevention Plans shall be developed and implemented by May 18, 1993, for construction which begins after November 18, 1992, but before May 18, 1993.

For construction which begins after May 18, 1993, the Storm Water Pollution Prevention Plans shall be developed before submitting the permit application (NOI), and implemented prior to beginning to discharge storm water.

For construction which began prior to November 18, 1992, and which is not scheduled for completion by November 18, 1993, a Storm Water Pollution Prevention Plan shall be prepared and implemented by November 18, 1993.

For construction which began prior to November 18, 1992, and which is not scheduled for completion by November 18, 1993, preparation of Storm Water Pollution Prevention Plan document is not required. However, these sites are to implement reasonable BMPs to reduce pollution and to prevent violations of water quality standards.

S2 Permit Coverage

This section explains how to obtain coverage under the permit; who is required to apply for coverage; who is not required (but may) to apply for coverage, and who is excluded from coverage under this permit.

A. How to Obtain Coverage:

Please refer to the section entitled "How and Where to Apply for Coverage Under this Permit," in this fact sheet.

B. Facilities Required to Seek Coverage:

The industrial activities regulated by this permit are the facilities listed in 40 CFR Subpart 122.26 (b)(14) (See Appendix #1, Section A of the permit for this listing) with the exception of those facilities for which federal effluent guideline limitations for storm water have been promulgated (See Appendix #1, Section B). Facilities with existing effluent guideline limitations for storm water are excluded because they should be permitted under individual or industry-specific general NPDES permits.

Many industries regulated by this permit are identified by their Standard Industrial Classification (SIC) code. The Standard Industrial Classification (SIC) codes for specific industries can be located in the 1987 issue of the "Standard Industrial Classification Manual" prepared by the federal Office of Management and Budget. Major industrial categories are listed using two digit codes and subcategories of industries are listed using 3 and 4 digit codes. For example, SIC 24 is a code for a major industry: Lumber and Wood Products (except Furniture); 242 is the code for a subcategory: Sawmills and Planing Mills; 2426 is a subcategory of SIC 242: Hardwood Dimension and Flooring Mills.

The following is a summary of those categories of industrial facilities which are covered under this baseline general permit as required in 40 CFR 122.26(b)(14):

1. Facilities subject to new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N;

2. Manufacturing facilities in Standard Industrial Classification (SIC) codes 24, 26, 28, 29, 311, 32, 33, 3441, 373; excluded from this category are SIC 2434, 265, 267, 283, and 323.

3. Mining and oil and gas facilities in SIC codes 10, 12, 13, and 14;

4. Hazardous waste treatment, storage, or disposal facilities;

5. Landfills, land application sites, and open dumps that receive or have received industrial wastes;

6. Recycling facilities including metal scrap yards, battery reclaimers, salvage yards, and automobile recyclers;

7. Steam electric power generating facilities;

8. Transportation facilities in SIC codes 40 through 45, and 5171, which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations;

9. Sewage treatment plants with a design flow of 1.0 million gallons per day or more, or which are required to have an approved industrial pretreatment program;

10. Construction activity, including clearing, grading, and excavating which disturb five or more acres of total land area; Note: A recent federal court decision may have the result that construction projects smaller than five acres might be required to have an NPDES permit to discharge storm water.

11. Manufacturing facilities listed in SIC codes 20 through 42, not otherwise listed above, which have an industrial activity exposed to storm water. Included in this category are SIC codes 2434, 265, 267, 283, and 323.

Facilities in the above categories which discharge storm water either directly to a surface water or indirectly, through a municipal or private storm sewer, must apply for coverage under the baseline general permit or submit an application for an individual permit. Facilities in the above categories which have conditions addressing management or treatment requirements for all of their industrial storm water in an existing NPDES permit should not apply for coverage under this Baseline General Permit.

For the industries identified in categories (1) through (10) above, a permit is necessary if there is a point source storm water discharge to a surface water, or to a municipal storm sewer or a private storm sewer which discharge to a surface water from any of the following areas:

- industrial plant yards,
- immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or byproducts used or created by the facility.
- material handling sites,
- refuse sites,
- sites used for the application or disposal of process waste waters (as defined at 40 CFR part 401),
- sites used for the storage and maintenance of material handling equipment,
- sites used for residual treatment, storage, or disposal,
- shipping and receiving areas,
- manufacturing buildings,
- storage areas (including tank farms) for raw materials, and intermediate and finished products,
- areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

For the industries identified in category (11), a permit is required for point source discharges from any of the areas that are listed above (except access roads and rail lines of category 11 industries), only if material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts, or industrial machinery are exposed to storm water.

This section of the permit specifically lists a few (Special Condition S.2.B.3-6) types of industrial facilities which are required to seek coverage under this permit. These are listed because their coverage was either controversial or unclear.

C. Coverage for Significant Polluters:

This section was added to the permit to expressly allow Ecology to regulate storm water dischargers which are a "significant contributor of pollutants." The federal Clean Water Act at Section 402(p)(2)(E) gives the state this authority. Ecology, not the discharger, decides whether there is a significant contribution of pollutants warranting coverage under this permit.

D. Coverage for Discharges to Ground Water:

This section highlights that the permit terms and conditions apply to all storm water discharges, including discharges to the ground, from a facility or site which has a discharge of storm water to a surface water or a storm sewer.

E. Facilities Not Required to Apply:

This is a listing of facilities which are not required to apply for coverage under this permit. If an operator of one of these facilities wishes to seek coverage under the permit, they may submit a Notice of Intent. Ecology will consider the application, but reserves the right to refuse coverage. An example situation in which Ecology will likely refuse coverage is for CERCLA or MODCA sites whose storm water discharges are being regulated under a consent decree or order issued by Ecology or USEPA.

The facilities listed under #1 through #12 of this section of the permit are not required to apply under federal law, regulations, or guidance. Ecology has added the emergency construction, and routine maintenance categories after considering public comment.

We request that operators of facilities not required to seek coverage submit a cover letter with their Notice of Intent. The letter should explain why they are seeking coverage under the permit.

F. Facilities EXCLUDED from Coverage Under This Permit:

These are facilities which Ecology will not consider for coverage under this permit.

Facilities with federal storm water effluent guidelines are excluded because incorporating them into this permit would have made the permit too confusing for industries not subject to those guidelines. In addition, most of these facilities have a process water discharge for which they need a separate permit, or they have a mixture of process water and storm water discharge which cannot be completely covered by this permit. Ecology is preparing a separate general permit applicable to sand and gravel operations, including cement manufacturing and asphalt concrete operations which may occur at those sites.

Clarification of the term, Point Source:

To be eligible for coverage under the Baseline General Permit, a facility must have a point source discharge to a surface water of the state or to a municipal storm sewer or a private storm sewer which discharge to a surface water. A point source is defined as:

> *any discernible, confined, and discrete conveyance, including but limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, and container from which pollutants are or may be discharged to surface waters of the state.*

Ecology intends to embrace the broadest possible definition of point source consistent with the legislative intent of the Clean Water Act and pertinent court interpretations to include any identifiable conveyance from which pollutants might enter the waters of the state.

In most court decisions interpreting "point source," the term has been interpreted broadly. For example, the holding in Sierra Club v. Abston Construction Company, Incorporated, 620 F.2d 41 (5th Cir. 1980) indicates that changing the surface of land or establishing grading patterns on land will result in a point source where the runoff from the site is ultimately discharged to waters of the United States. The following is an excerpt from that court ruling:

> "Conveyances of pollution formed either as a result of natural erosion or by material means, and which constitute a component of a drainage system, may fit the statutory definition and thereby subject the operators to liability under the Act. 620 F.2d at 45."

S3 Discharge Prohibitions

This section prohibits the discharge of process wastewater, domestic wastewater, or non-contact cooling water to a storm sewer unless it is under an appropriate discharge permit.

This section also prohibits the discharge of storm water to sanitary or combined sewers unless approved by the municipality receiving the storm water. This is necessary to limit the dilution of sanitary wastewater and the hydraulic loading of sanitary sewers and treatment plants.

S4. Compliance with Standards

Facilities which discharge industrial storm water are subject to all applicable state water quality and sediment management standards. The permit does not authorize the violation of those standards.

Ecology understands that many facilities may be discharging storm water which is causing violations of state water quality standards. Except in limited cases, Ecology does not know who or where these dischargers are. To determine compliance with standards requires a case-by-case analysis. This is not feasible within a limited time frame for the thousands of industries regulated by this permit. Ecology also recognizes that there are many facilities which are either not violating standards, or which may be able to stop the violations by accomplishing some reasonable amount of BMPs. Therefore, Ecology has adopted the approach outlined in the second paragraph of Special Condition S4 for achieving compliance with standards.

Facilities that are in compliance with standards must remain in compliance. Note that even if a facility is not causing a water quality standards violation with its current storm water discharge, it is still obligated to apply reasonable BMPs to prevent and control the discharge of pollutants in storm water.

Facilities which may be out of compliance with standards will generally be required to come into compliance through the application of BMPs on the schedule allowed in Special Condition S1, which allows up to three years for BMP implementation. Unless storm water quality and quantity sampling is done, most facilities will have no idea whether they are in or out of compliance with standards.

To identify those facilities which may be out of compliance after the first three year period, Ecology intends to develop a ranking criteria to apply to each discharge. Those discharges which

are rated as having a high potential to cause a violation of a standard will be required to monitor to verify whether they have such violations. The ranking criteria and the monitoring requirements may be conditions of the reissuance of this permit in three years. For those facilities whose monitoring indicates water quality standards violations are occurring, Ecology will require additional pollutant control measures, and will consider an additional compliance schedule for accomplishing those measures.

Although Ecology expects to apply the pollution control strategy discussed above for the vast majority of dischargers, it reserves the right to require more immediate and more stringent measures where it considers those warranted due to public health or the environmental impacts. Such requirements could be implemented through specific permits, orders, or decrees.

S5. Ground Water:

There are three reasons for this condition of the Baseline General Permit. First, Ecology wants to alert permittees to the risks of converting a surface water discharge to a discharge to the ground. Secondly, Ecology wants to inform them of programs which regulate such discharges. And third, Ecology wants to be clear that the terms and conditions of this permit also apply to storm water discharges to the ground at those facilities which have to obtain this permit because of their storm water discharge(s) to surface waters or storm sewers. Facilities which discharge their storm water only to the ground, as of November 18, 1992, do not have to apply for this permit.

Ecology has adopted ground water quality standards (Chapter 173-200 WAC). Before discharging storm water to the ground through an infiltration basin, dry well, drainfield, etc., the permittee should assess whether the types and concentrations of pollutants likely to be present in the storm water could reach ground water and degrade its quality. The type of soil and the rate of water movement through the soil are two of the factors to consider in making this decision. The distance to ground water may also be important depending on how fast water moves through the overlying soils (the faster the movement, the greater the potential to pollute the ground water). Ecology recommends diverting storm water into a sediment basin and infiltration system before directing storm water into underground disposal systems. The Ecology manual, Storm Water Management Manual for the Puget Sound Basin, includes guidance on the appropriateness of certain Best Management Practices for discharging storm water to the ground.

Discharges to the ground via dry wells, drainfields, or other subsurface means are subject to the requirements of the Underground Injection Control Program (Chapter 173-218 WAC). If you indicate on the NOI that you discharge some or all of your storm water to the ground, Ecology may request additional information concerning that discharge in accordance with this WAC.

S6 Inspections and Reporting for Industrial Facilities

Ecology will require two annual inspections by the permittee, one during the wet season and the other during the dry season. The wet season inspection will be a visual inspection to verify that the pollutant sources in the Storm Water Pollution Prevention Plan are accurate and that the pollutant controls are adequate. It should be conducted during a rainfall event. Observations of floating materials, color, oil and grease, turbidity, and odor in the storm water conveyances provide a basis for assessment of the adequacy of the SWPPP. The dry season inspection is to determine the presence of non-storm water discharges to storm sewers. It should be conducted on a day without precipitation. This determination is one of the requirements of the SWPPP. Records of all inspections must be maintained in accordance with the requirements of this permit.

Ecology does not require monitoring (i.e., sampling and analysis of storm water) in this permit. Because this is a baseline permit, it applies to facilities of all types and sizes. At this time, Ecology does not consider monitoring necessary for many facilities, and expects that many facilities, through implementation of BMP's, have or will have minimized their potential for discharging pollutants.

Monitoring of storm water raises a number of questions that Ecology is not prepared to address in a generic fashion. Proper sample collection and the variable nature of storm water quality and quantity from each site are two examples of issues that involve complex factors. How to apply data collected as a result of monitoring requirements is also a difficult issue. Ecology intends to address these issues before modifying or reissuing this permit in three years.

Although we are not requiring storm water sampling and analysis, Ecology encourages permittees to do so. Despite the myriad of issues mentioned above, monitoring can provide important information about the sources and types of pollutants in storm water. This information can be useful when designing or modifying Best Management Practices, and when evaluating the effectiveness of Best Management Practices.

If permittees choose to do some monitoring, we encourage them to follow the referenced sampling and analysis procedures. Doing so may make additional sampling unnecessary in the future when verification of compliance with standards may be required. Following the recommended procedures will also help in establishing a base of comparable storm water data which could have various benefits to the discharger and to the environment.

S7 Assessment of the Potential for Standards Violations for Industrial Facilities

Upon completion of the Storm Water Pollution Prevention Plan each facility will be required to conduct an assessment of the potential for storm water discharges to violate standards. Those dischargers with a high potential to violate standards will then be required to develop and implement a monitoring program. Ecology intends to modify or reissue this general permit by November 18, 1995 to include the assessment requirements. Ecology also plans to provide technical guidance for monitoring to assist dischargers in determinations of the extent of standards violations. Ecology believes that such an assessment is needed to prioritize the large number of industrial facilities as to their pollution impact and the need for monitoring. The assessment contents and procedures have yet to be developed. Ecology intends to develop the assessment with the input of an advisory committee.

S8. Fees:

State law requires Ecology to recover the cost of the Water Quality Permit Program. Though there is no charge for the baseline general permit at this time, Ecology will initiate an annual fee for the permit beginning July 1, 1993. Fees will be set by amending the existing fee regulation (Chapter 173-224 WAC). There will be opportunities for public comment on the fee proposal.

S9 Storm Water Pollution Prevention Plan (SWPPP) for Industrial Facilities

Objectives:

Developing and implementing the technology-based Storm Water Pollution Prevention Plan constitutes the initial phase of the control of the pollution of storm water by industrial activities. The objectives include the elimination of non-storm water discharges, implementation of BMPs, and prevention of the violation of standards.

General Requirements:

The operator of an industrial facility shall be the permittee. Operators have day-to-day control over the facility's operation. Where the operator is not the owner of the facility, the operator should check with the owner before implementing BMPs that involve modifying the facility or its grounds.

Permittees are to retain the SWPPP on-site. They are not to submit it to Ecology. The plan should be modified whenever Ecology requires it, whenever appropriate because of changes at the facility, or whenever a self-inspection shows the plan to be inadequate. The intent of these conditions is to make the plan relevant to the facility's operation, and to make operators reassess on a regular basis, what they can do to improve pollution control at their facility.

SWPPP Contents and Requirements:

Assessment

The permittee shall first assess and describe the existing and potential pollutant sources at the facility. The assessment should include:

- an investigation of the presence of any discharge other than storm water. Such discharges are to be eliminated in accordance with Special Condition S6.
- development of a site map depicting the discharges, drainages, the facility's structures, and areas of pollutant contact. The map for smaller businesses can be a plan view on a single sheet.
- a listing of potential and existing pollutants which may be present in significant amounts. The term "significant amounts" means any amounts which are amenable to treatment or prevention or which have the potential to cause or contribute to a violation of standards. In practical terms, if the permittee can take reasonable measures to reduce the presence or to reduce the potential for the presence of a pollution in storm water, they are required to do so.
- an identification of areas which have been or may be sources of pollution.

Selection and Description of BMPs:

Selecting the appropriate BMPs will be an important and major element of the Storm Water Pollution Prevention Plan. For this reason, Ecology is including several operational and source control BMPs in this permit as minimum requirements. The Storm Water Pollution Prevention

Plan must include a discussion of how the six operational BMPs will be implemented. For example, every facility's SWPPP should include a description of a spill prevention and emergency cleanup plan.

The Plan must also identify appropriate source control BMPs. For example, if a facility has a fueling station and outside storage of liquid chemicals, it would be required to implement BMPs S1.10 and S1.60 from the Storm Water Management Manual, or equivalent BMPs to control storm water pollution from that area. Permittees should note that they are required to implement BMPs for other types of industrial activities and sites listed in the first two paragraphs of Appendix A, if they are a potential source of significant amounts of pollutants. Each facility is also required to identify areas which have erosion problems or the potential for problems, and develop appropriate erosion control measures.

Design criteria for the source control BMPs listed in the permit, and consideration of additional BMPs can be obtained from Ecology's Storm Water Management Manual for the Puget Sound Basin (Manual). The Storm Water Management Manual provides information on pollution sources for certain industrial categories listed according to their Standard Industrial Classification (SIC) code, a list of source control and treatment BMPs applicable to specific industries, and design information, including drawings for source control and treatment BMPs. Design information is located in the following chapters of the Manual: Chapter II for erosion control BMPs; Chapter III for treatment BMPs; and Chapter IV for source control BMPs. These BMPs are applicable to industrial facilities regardless of the facilities' locations. Therefore, they should be considered when developing the SWPPP.

The Storm Water Pollution Prevention Plan should also include treatment BMPs if the permittee concludes they are necessary to prevent the discharge of significant amounts of pollutants. In those cases where BMPs listed in available references are not adequate, innovative BMPs may also be considered.

Implementation schedule:

All facilities are required to include an implementation schedule in the Storm Water Pollution Prevention Plan. This schedule should include target completion dates for the BMPs listed in the Plan so that implementation progress can be assessed.

S10 Solid and Liquid Waste Disposal

This condition is intended to ensure that disposal and handling of solid or liquid wastes generated to comply with the requirements of this permit do not result in a violation of applicable solid and hazardous waste regulations (Chapter 173-303 and 173-304 WAC). It is expected that containment, collection, separation and settling are some of the control techniques for storm water which will result in the generation of solid and liquid wastes. In some cases, management and housekeeping techniques could also generate solid and liquid wastes. Examples include drip traps, cleanup of process areas and spill removal. Therefore, Ecology views this permit requirement as an important component of the overall storm water pollution control strategy.

S11. Storm Water Pollution Prevention Plan for Construction Activities:

Objectives:

This special condition applies to construction activities which disturb five or more acres of total land area. As with industrial facilities, the objectives are to eliminate discharges other than storm water, to implement BMPs to prevent, reduce and control the discharge of pollutants, and to prevent violations of water quality standards.

General Requirements:

Ecology originally proposed that the site owner and a contractor(s) be co-permittees. However, this final permit requires only the owner to be the permittee. Where the site owner has a use agreement with another entity which is proposing the construction project, that entity is the required permittee.

Ecology considers the site owner (or entity identified as above) ultimately responsible for the site, and so a necessary permittee. Having the owner as the permittee will be necessary in order to have timely preparation of SWPPPs prior to initiating construction. Ecology considered having the contractor be a co-permittee because we wanted to have immediate access to someone who was in control over the day-to-day operation of the site. Ecology can achieve that access by requiring the owner to identify a contact person who is always available to respond to Ecology inquiries or directives. The contact person must have authority over SWPPP implementation. This person can be the owner, an employee, a construction manager, a developer, or an on-site contractor. Having a single permittee will simplify permit compliance responsibility. It does not change the historical contractual relationship between a site owner and a contractor. It also does not necessarily protect the contractor from Ecology enforcement actions for causing water quality violations.

Erosion and Sediment Control Plan: Stabilization and Structural Practices:

Ecology requires the development, retention, and implementation of a Storm Water Pollution Prevention Plan primarily for erosion and sediment control. Subsections C.1.a. and b. require the description and implementation of stabilization and structural practices to prevent erosion from occurring and to minimize the transport of sediments on and from the site.

Most of the enumerated requirements for stabilization and structural practices are excerpted from Ecology's fifteen minimum requirements for erosion and sediment control from Chapter I-2 of the Storm Water Management Manual for the Puget Sound Basin (SWMM). Fourteen of those fifteen minimum requirements were proposed for inclusion in the draft of this permit.

Many commenters on the draft permit objected to the inclusion of the 14 minimum requirements for erosion and sediment control of the SWMM. The bases for the objections included: that Ecology was inappropriately moving up the time frame for application of these requirements (local governments in the Puget Sound Basin were to have two years to adopt equivalent requirements); that Ecology was converting guidelines into mandatory permit conditions; that these requirements were inappropriate for use outside the Puget Sound Basin; that many of the minimum requirements were technically flawed or inappropriate; and that the requirements should not be in the permit, because it will be difficult to modify them though field experience may indicate such modifications to be advisable.

Ecology considers the 14 minimum requirements of the SWMM to be reasonable. They have been developed after several years of review by outside experts. However, after reviewing all comments, and engaging in further discussion on the issue, Ecology agrees to change the requirements of this Special Condition.

The Special Condition still includes many of the original 14 minimum requirements which were not controversial or which Ecology decided were appropriate to retain. Some of the originally listed 14 minimum requirements, which may have technical difficulties, were modified or deleted. The most significant change was in the maximum time allowed for the stabilization of exposed and unworked soils. The draft allowed up to two days in the wet season and seven days in the dry season within the Puget Sound Basin. It allowed up to seven days elsewhere. After questions were raised concerning the implementation and practicality of the two-day time frame, it was changed to "as soon as practicable."

Experience with use of the minimum requirements of the SWMM over the next few years by some local governments will help identify any problems and lead to their refinement. Ecology expects to include more specific minimum requirements, including references to maximum time frames for exposed and unworked soil, and to specific discharge flow rates, in the next permit cycle.

In modifying the SWMM minimum requirements, Ecology has added an inspection requirement after a 0.5 inch rainfall event in 24 hours. The intent is to require the permittee to assess whether any control measures need repair soon after a large rainfall. A similar requirement has been employed in other states. Permittees may use the measured rainfall at the nearest rainfall gauge.

Selection of Stabilization and Structural BMPs:

Permittees are required to select appropriate BMPs to meet the requirements of stabilization and structural practices. We have cited the Ecology Storm Water Management Manual, and the Erosion and Sediment Control Handbook, by Goldman, et al., as guides in selecting appropriate BMPs. Permittees may select BMPs not discussed in those manuals if they determine that they are equivalent and appropriate for their situation.

Format:

Subsection C.1.e of this condition requires the Erosion and Sediment Control Plan to consist of a narrative and a set of site plans. The SWMM is referred to for guidance on the format of the Erosion and Sediment Control Plan. Permittees are not required to follow this suggested format. However, Ecology will use the suggested format as guidance for evaluating the adequacy of plans and their implementation.

S12 Notices of Termination (NOT) for Industrial Facilities and Construction Sites

A Notice of Termination for an industrial facility or for a construction site will end the permit coverage and responsibility of the permittee(s) to be subject to the conditions of the permit. The permittee is responsible for submitting the notice in order to end permit coverage. Unless the permit is terminated, Ecology will continue to assess a fee for the permit. Note that there are separate forms for construction activity and for industrial activity.

General Conditions:

The General Conditions of this permit are requirements based on federal or state laws and regulations which must be included in all NPDES general permits, either expressly or by reference. Ecology has decided to incorporate the relevant requirements of federal and state law expressly.

General Conditions G2 - Proper Operation and Maintenance, G3 - Noncompliance Notification, G19 - Record Keeping Requirements and G20 - Signatory Requirements are particularly relevant to comply with the Storm Water Pollution Prevention requirements of this permit.

HOW AND WHERE TO APPLY FOR COVERAGE UNDER THE PERMIT:

The Notice of Intent (NOI) is the official permit application document required to request coverage under Ecology's Baseline General Permit. Coverage will be authorized by Ecology in writing after receipt of the NOI from the operator of the industrial facility or the owner of the construction site. Coverage will begin from the date of Ecology's written authorization or on the thirty-first day following receipt by Ecology of a completed NOI, whichever occurs first. The submission deadlines for NOIs are included in Special Condition S1 of the Baseline General Permit.

The official responsible for the operation of an industrial facility, as defined in the permit, shall sign and submit the NOI for Industrial Activity to Ecology. In cases in which the owner and the operator (or tenant) of an industrial facility are not the same, Ecology requires the operator to be the permittee. The owner may request co-permittee status. In that instance, both parties, owner and operator, must sign the NOI. For construction activities, the site owner, or the entity obtaining a use agreement for the site, must complete and submit the NOI for Construction Activity.

A NOI, signed by an appropriate corporate, local government or other official responsible for the facility or site shall be submitted to the following Ecology office:

Washington Department of Ecology
Industrial Storm Water Unit
P. O. Box 47696
Olympia, WA 98504-7696

Because coverage under this Baseline General Permit was not available to the public until November 18, 1992, Ecology will allow a three month application period for coverage under the permit for existing facilities. The application period ends February 18, 1993. Ecology will exercise enforcement discretion by not taking legal action against dischargers which submit their Notice of Intent by February 18, 1993. However, dischargers who did not apply by October 1, 1992 are still subject to potential legal actions by the federal government and by third parties.

October 1, 1992 was the federal deadline for industrial facilities and construction activities subject to the federal regulation to submit an application for coverage under a storm water permit. Discharge of industrial storm water without a permit after that date is a violation of federal law.

To accommodate those industries which wanted to apply for coverage prior to October 1, 1992, Ecology made a Notice of Intent form available, and accepted its submission prior to issuing the permit. A facility which submitted a Notice of Intent prior to issuance of this permit may submit a written request for cancellation of its NOI after the permit is issued, if it decides that it does not

meet the requirements for coverage. Though Ecology has changed the NOI format, most facilities which submitted their NOIs prior to November 18 will not be required to use the new NOI forms. Ecology will require applications received after November 18, 1992 to be on the new NOI for Industrial Activity, and the new NOI for Construction Activity.

PERMIT ISSUANCE AND ANNOUNCEMENT:

Ecology intends to issue the permit on November 18, 1992. An announcement of permit issuance should have appeared in the state register on November 18, 1992. The permit becomes effective thirty days later, on December 18, 1992.

In addition to the announcement in the state register, Ecology has advertised the issuance of the permit as follows:

- By direct mail to over 30,000 potentially impacted and interested parties.
- By legal notices in newspapers around the state.

The terms and conditions of the permit are subject to appeal within thirty days after issuance of the general permit (i.e., December 18, 1992). An Ecology decision concerning coverage of an individual discharger under the permit is subject to appeal within thirty days of the effective date of coverage of that discharger.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT (SBEIS):

Ecology has determined that this Baseline General Permit may have significant economic impact on a large number of small businesses in the state of Washington and has, therefore, prepared a SBEIS. The SBEIS includes evaluations of the economic impacts on industries and construction activities based on cost estimates available from USEPA as well as other sources.

A copy of the SBEIS may be obtained by calling 438-7034.

Permit No. _____

Coverage Date:_____

Issuance Date: November 18, 1992
Effective Date: December 18, 1992
Expiration Date: November 18, 1995

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND STATE WASTE DISCHARGE BASELINE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7696

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Until this permit expires, is modified or revoked, permittees that have properly obtained coverage under this permit are authorized to discharge to waters of the state in accordance with the special and general conditions which follow.

Michael T. Llewelyn
Water Quality Program Manager
Department of Ecology

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DEFINITIONS - These definitions pertain to terms indicated in italics in this permit. The term is indicated in italics only the first time it is used.

Air Emission means a release of air contaminants into the ambient air.

Best Management Practices (BMPs - general definition) means schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the pollution of waters of the State. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. In this permit BMPs are further categorized as operational, source control, erosion and sediment control, and treatment BMPs.

Bypass means the diversion of waste streams from any portion of a treatment facility.

Capital Improvements means the following improvements which will require capital expenditures:

1. Treatment BMPs, including but not limited to: biofiltration systems including constructed wetlands; settling basins, oil separation equipment, and detention and retention basins.

2. Manufacturing modifications, including process changes for source reduction, if capital expenditures for such modifications are incurred.

3. Concrete pads and dikes and appropriate pumping for collection of storm water and transfer to control systems, from manufacturing areas such as loading, unloading, outside processing, fueling and storage of chemicals and equipment and wastes.

4. Roofs and appropriate covers for manufacturing areas.

Clean Water Act (CWA) means the Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; USC 1251 et seq.

Combined Sewer means a sewer which has been designed to serve as a sanitary sewer and a storm sewer, and into which inflow is allowed by local ordinance.

Constructed Wetland means wetlands intentionally created, on sites that are not wetlands, for the primary purpose of wastewater or storm water treatment and managed as such. Constructed wetlands are normally considered as part of the storm water collection and treatment system.

Construction Activity means clearing, grading, excavation and any other activity which disturbs the surface of the land. Such activities may include road building, construction of residential houses, office buildings, or industrial buildings, and demolition activity.

Detention means the temporary storage of storm water to improve quality and/or to reduce the mass flow rate of discharge.

Director means the Director of the Washington Department of Ecology or his/her authorized representative.

Discharger means an owner or operator of any facility or activity subject to regulation under Chapter 90.48 RCW or the Federal Clean Water Act.

Domestic Wastewater means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with such ground water infiltration or surface waters as may be present.

Ecology means the Washington Department of *Ecology*.

Erosion means the wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep.

Erosion and Sediment Control BMPs means BMPs that are intended to prevent erosion and sedimentation, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, filter fences, and sediment traps and ponds. Erosion and sediment control BMPs are synonymous with stabilization and structural BMPs.

Erosion and Sediment Control Plan means a document which describes the potential for erosion and sedimentation problems, and explains and illustrates the measures which are to be taken to control those problems.

Final Stabilization means the completion of all soil disturbing activities at the site and the establishment of a permanent vegetative cover, or equivalent permanent stabilization measures (such as riprap, gabions or geotextiles) which will prevent erosion.

"40 CFR" means Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal government.

General Permit means a permit which covers multiple dischargers of a point source category within a designated geographical area, in lieu of individual permits being issued to each discharger.

Ground Water means water in a saturated zone or stratum beneath the land surface or a surface water body.

Industrial Activity - See Appendix #1, Section A.

Landfill means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application site, surface impoundment, injection well, or waste pile.

Land Application Site means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

Leachate means water or other liquid that has percolated through raw material, product or waste and contains substances in solution or suspension as a result of the contact with these materials.

Local Government means any county, city, or town having its own government for local affairs.

Municipality means a political unit such as a city, town or county; incorporated for local self-government.

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the State from point sources.

These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington Department of Ecology.

Notice of Intent (NOI) means the application for, or a request for coverage under this *General Permit* pursuant to WAC 173-226-200.

Notice of Termination (NOT) means a request for termination of coverage under this general permit as specified by Special Condition S12 of this permit.

Operational BMPs means schedule of activities, prohibition of practices, maintenance procedures, employee training, good housekeeping, and other managerial practices to prevent or reduce the pollution of waters of the state. Not included are BMPs that require construction of pollution control devices.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure and container from which pollutants are or may be discharged to surface waters of the state. This term does not include return flows from irrigated agriculture. (See Fact Sheet for further explanation.)

Pollutant means the discharge of any of the following to waters of the state: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste. This term does not include sewage from vessels within the meaning of section 312 of the FWPCA nor does it include dredged or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

Pollution means contamination or other alteration of the physical, chemical, or biological properties of waters of the state; including change in temperature, taste, color, turbidity, or odor of the waters; or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare; or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish or other aquatic life.

Process Wastewater means any water which, during manufacturing or processing, comes into direct contact or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Puget Sound Basin means the Puget Sound south of Admiralty Inlet (including Hood Canal and Saratoga Passage); the waters north to the Canadian border, including portions of the Strait of Georgia; the Strait of Juan de Fuca south of the Canadian border; and all the lands draining into these waters as mapped in Water Resources Inventory Areas numbers 1 through 19, set forth in WAC 173-500-040.

Sanitary Sewer means a sewer which is designed to convey domestic wastewater.

Sediment means the fragmented material that originates from the weathering and erosion of rocks or unconsolidated deposits, and is transported by, suspended in, or deposited by water.

Sedimentation means the depositing or formation of sediment.

SEPA (State Environmental Policy Act) means the Washington State Law, RCW 43.21C.020, intended to prevent or eliminate damage to the environment.

Severe Property Damage means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Significant Amounts means those amounts of pollutants that are amenable to treatment or prevention or that have the potential to cause or contribute to a violation of surface or ground water quality or sediment management standards.

Significant Materials includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

Site means the land or water area where any "facility or activity" is physically located or conducted.

Source Control BMPs means physical, structural or mechanical devices or facilities that are intended to prevent pollutants from entering storm water. A few examples of source control BMPs are erosion control practices, maintenance of stormwater facilities, constructing roofs over storage and working areas, and directing wash water and similar discharges to the sanitary sewer or a dead end sump.

Standard Industrial Classification (SIC) is the statistical classification standard underlying all establishment-based federal economic statistics classified by industry as reported in the 1987 SIC Manual by the Office of Management and Budget.

Stabilization means the application of appropriate BMPs to prevent the erosion of soils, such as, temporary and permanent seeding, vegetative covers, mulching and matting, plastic covering and sodding. See also the definition of Erosion and Sediment Control BMPs.

Storm Sewer means a sewer that is designed to carry storm water. Also called a storm drain.

Storm Water means rainfall and snow melt runoff.

Storm Water Drainage System means constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate or divert storm water.

Storm Water Management Manual for the Puget Sound Basin (SWMM) or Manual means the technical manual prepared by Ecology for use by local governments that contains BMPs to prevent, control, or treat pollution in storm water.

Storm Water Pollution Prevention Plan (SWPPP) means a documented plan to implement measures to identify, prevent, and control the contamination of point source discharges of storm water.

Surface Waters of the State includes lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the jurisdiction of the state of Washington.

Treatment BMPs means BMPs that are intended to remove pollutants from storm water. A few examples of treatment BMPs are detention ponds, oil/water separators, biofiltration, and constructed wetlands.

Uncontrolled Sanitary Landfill means a landfill or open dump, whether in operation or closed, that does not meet the requirements for runon and runoff controls established pursuant to subtitle D of the Solid Waste Disposal Act.

USEPA means the United States Environmental Protection Agency.

Water Quality means the chemical, physical, and biological characteristics of water, usually with respect to its suitability for a particular purpose.

Waters of the State includes those waters as defined as "waters of the United States" in *40 CFR* Subpart 122.2 within the geographic boundaries of Washington State and "waters of the state" as defined in Chapter 90.48 RCW which include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of the State of Washington.

ACRONYMS

BMP	Best Management Practice
CERCLA	Comprehensive Environmental Response Compensation & Liability Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
EPA	Environmental Protection Agency
ESC	Erosion and Sediment Control
FWPCA	Federal Water Pollution Control Act
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
RCRA	Resource Conservation and Recovery Act
RCW	Revised Code of Washington
SARA	Superfund Amendment and Reauthorization Act
SEPA	State Environmental Policy Act
SIC	Standard Industrial Classification
SMCRA	Surface Mining Control and Reclamation Act
SWMM	Storm Water Management Manual for the Puget Sound Basin
SWPPP	Storm Water Pollution Prevention Plan
USC	United States Code
USEPA	United States Environmental Protection Agency
WAC	Washington Administrative Code
WQ	Water Quality

INTRODUCTION

The *Ecology storm water* pollution control program is based, in part, on the federal regulations of *40 CFR* Parts 122, 123, and 124 issued on November 16, 1990 and the implementation of section 402(p) of the Federal Clean Water Act. The goals of these federal regulations are to eliminate surface water quality standards violations caused by storm water and to reduce or eliminate the pollution of storm water from municipal and industrial point sources by requiring the implementation of technology based Storm Water Pollution Prevention Plans (SWPPP).

Under the authority of Chapter 90.48 RCW, Ecology has expanded the scope of its storm water program beyond the federal government's goals. Ecology's program requires eventual compliance with ground water quality and sediment management standards for those facilities that are required to obtain an *NPDES* permit for a storm water discharge.

To comply with 40 CFR Parts 122, 123, and 124, and pursuant to the provisions of Chapters 90.48 and 90.52 RCW and Chapter 173-220 WAC, all those who file a Notice of Intent and are covered under this baseline *general permit* (see Special Condition S2) shall comply with the following:

SPECIAL CONDITIONS

S1. SCHEDULE OF COMPLIANCE

A. *Notice of Intent* (NOI) Submission Deadlines

A Notice of Intent shall be submitted to Ecology:

1. On or before February 18, 1993 for an existing *construction activity* or for an existing industrial facility;

2. By February 18, 1993 for an industrial facility or construction activity which commences operation after November 18, 1992, but prior to February 18, 1993;

3. For an industrial facility which commences operation on or after February 18, 1993, at least 30 days prior to commencement of the industrial activity at the facility;

4. For a construction activity which commences on or after February 18, 1993, at least 10 days prior to commencement of the construction activity.

B. *Storm Water Pollution Prevention Plan* (SWPPP) Deadlines

To comply with the requirements of this general permit, the permittee shall:

1. For existing industrial facilities:

   a. By November 18, 1993, develop a SWPPP (see Special Condition S9 of this permit) and retain it on-site.

   b. By November 18, 1994, complete the implementation of *operational BMPs* and applicable *source control BMPs*, as required under Special Condition S9 of this permit, which do not require *capital improvements*.

   c. By November 18, 1995, complete the implementation of BMPs requiring capital improvements.

2. For construction activities or for industrial facilities:

   a. Which begin operations after November 18, 1992, but before May 18, 1993, develop and implement the SWPPP by May 18, 1993.

   b. Which begin operations after May 18, 1993, develop the SWPPP before submission of the Notice of Intent and implement the SWPPP prior to commencement of the discharge(s).

3. For construction activities initiated prior to issuance of this permit:

   a. Which are not scheduled for completion by November 18, 1993, prepare and implement a SWPPP by November 18, 1993.

   b. Which are scheduled for completion before November 18, 1993, implement reasonable BMPs to achieve the objectives of Special Condition S11.

S2. PERMIT COVERAGE

A. How to Obtain Coverage

Coverage under this permit for industrial facilities may be obtained by submitting a Notice of Intent (NOI) to Ecology to discharge "Storm Water Associated With Industrial Activity" (Appendix 4). Coverage under this permit for construction activities may be obtained by submitting a NOI to Ecology to discharge "Storm Water Associated With Construction Activity" (Appendix 5). Ecology intends to notify applicants by mail of their status concerning coverage under this permit within 30 days of Ecology's receipt of the NOI. If the applicant does not receive notification from Ecology, coverage under this permit automatically commences on the thirty-first day following receipt by Ecology of a completed NOI (see General Condition G22).

Applicants who submitted NOIs prior to November 18 will be notified of their status concerning coverage under this permit by December 18, 1993.

Applicants which discharge storm water associated with industrial activity to a storm sewer operated by any of the following municipalities shall submit a copy of the NOI to the municipality:

Seattle, King County, Snohomish County, Tacoma, Pierce County, Clark County, City of Spokane, Spokane County, Kitsap County.

B. Facilities and Activities Required to Seek Coverage

This permit covers all new and existing *point source* discharges of storm water associated with *industrial activity* to *surface waters of the state* of Washington and/or to municipal *storm sewers*, from the following facilities or activities, owned or operated by private entities or by state or *local governments*:

1. Facilities listed at 40 CFR Subpart 122.26(b)(14)(i-x), including any site with construction activity which disturbs five or more acres of total land area (or other minimum land area to be determined by federal regulation); see Appendix #1, Section A, categories 1-10 for a listing of these facilities;

2. Facilities listed at 40 CFR 122.26(b)(14)(xi), which have a "storm water discharge associated with industrial activity" as described in Appendix #1 Section A of this permit; see Appendix #1, Section A, category 11, for a listing of these facilities;

3. Facilities which are included in a group application {as described at 40 CFR Subpart 122.26(c)(2)} to USEPA, unless otherwise excluded under this special condition;

4. Any facility classified under industrial category 11 of Appendix #1 Section A (even if industrial activities are not exposed to storm water), which is also subject to New Source Performance Standards of 40 CFR Subchapter N;

5. Any facility which is required by 40 CFR Subpart 122.26(b)(14) to have a storm water NPDES permit, and which has an existing discharge permit that does not address all storm water discharges associated with industrial activity;

6. Any inactive industrial facility which is listed under 40 CFR Subpart 122.26(b)(14), and where *significant materials* remain on site and are exposed to storm water.

C. Coverage for Significant Polluters

This permit may also cover any facility discharging storm water which Ecology determines to be a significant contributor of pollutants to *waters of the state* of Washington.

D. Coverage for Discharges to *Ground Water*

This permit also covers discharges of storm water associated with industrial activity to ground water from any facility which has a discharge of storm water to a surface water or a storm sewer as of November 18, 1992.

E. Facilities and Activities not Required to Apply

Storm water discharges associated with industrial activity from the following facilities or activities are not required to apply for coverage under this permit to discharge storm water:

1. Any facility which is subject to Toxic Pollutant Effluent Standards of 40 CFR Subchapter N, and is classified under industrial category 11 of Appendix #1 Section A of this permit, and whose area of industrial activity is not exposed to storm water;

2. Any facility owned or operated by a municipality with a population of less than 100,000, other than an airport, powerplant, or *uncontrolled sanitary landfill*;

3. Industrial facilities which discharge their storm water only to a municipal *combined sewer* or *sanitary sewer*. Discharge of storm water to sanitary or combined sewers shall only occur as authorized by the municipal authority responsible for that sewer;

4. Any industrial facility under category 11 of Appendix #1 Section A of this permit, except those covered under Special Condition S2.B.4, whose only storm

water discharge associated with industrial activity is drainage from roofs or other surfaces exposed to *air emissions* from a manufacturing building or a process area, unless the air emissions are judged by the operator/owner or Ecology to be a source of discharge of significant amounts of pollutants in the storm water;

5. Industrial facilities which discharge storm water only to the ground through infiltration basins, dry wells, drain fields and any other discharge to the ground and have no point source discharge to surface water or a municipal storm sewer;

6. In accordance with 40 CFR 122.3(d), any facility which is in compliance with the instructions of an On-Scene-Coordinator pursuant to 40 CFR part 300 (The National Oil and Hazardous Substances Pollution Contingency Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances);

7. Any part of a facility with a storm water discharge resulting from remedial action conducted by the *USEPA* or Ecology or a potentially liable/responsible person under an order or consent decree issued under the Comprehensive Environmental Response, Compensation, and Liability Act or the Model Toxics Control Act; (These facilities must still comply with the requirements in this general permit determined by Ecology to be applicable, relevant and appropriate requirements under these laws);

8. Any land application site used for the beneficial use of industrial or municipal wastewater for agricultural activities at agronomic rates or for landscaping purposes;

9. Any farmland, domestic garden or land used for sludge management where domestic sewage sludge is beneficially reused (nutrient builder or soil conditioner) and which is not physically located in the confines of domestic sewage treatment works, or areas that are in compliance with Section 405 of the CWA;

10. Any inactive coal mining operation if the performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act (SMCRA) authority has been released;

11. Any inactive non-coal mining operation if released from applicable State or Federal reclamation requirements after December 17, 1990. Any inactive non-coal mining operation which does not have a discharge of storm water that comes in contact with any overburden, raw material, intermediate products, finished products, byproducts, or waste products located on the site of the facility;

12. Inactive mining, inactive oil and gas operations or inactive landfills where an owner/operator cannot be identified;

13. Any emergency construction activity required to protect public health and safety;

14. Any construction activity for routine maintenance of existing facilities to maintain original line and grade, or hydraulic capacity;

F. Facilities EXCLUDED from Coverage Under This Permit

Ecology will not consider coverage for the following facilities:

1. Any facility subject to an existing effluent limitation guideline addressing storm water or a combination of storm water and process water, (Section B of Appendix #1); these facilities need to obtain a NPDES permit for storm water discharges associated with industrial activity;

2. Nonpoint source silvicultural activities; such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff as excluded in 40 CFR Subpart 122.27;

3. Industrial facilities which only have storm water discharges from office buildings and/or administrative parking lots which do not have storm water discharges commingled with storm water discharges from areas associated with industrial activity;

4. Facilities that are federally owned or operated or are on Tribal land;

5. Any facility covered under an existing NPDES individual or general permit in which storm water management or treatment requirements or both are included for all storm water discharges associated with industrial activity.

S3. DISCHARGE PROHIBITIONS

A. Discharges to a storm sewer or surface water of *process wastewater, domestic wastewater* or non-contact cooling water not covered by a NPDES permit are prohibited.

B. Discharges of storm water to sanitary or combined sewers shall be limited pursuant to Chapter 173-245 WAC. Discharges of storm water to sanitary sewers shall not occur without the approval of the municipality which owns or operates the sanitary sewer system.

S4. COMPLIANCE WITH STANDARDS

A. This permit does not authorize the violation of ground water quality standards (Chapter 173-200 WAC), surface water quality standards (Chapter 173-201 WAC), or sediment management standards (Chapter 173-204 WAC) of the state of Washington.

Facilities that are in compliance with these standards must remain in compliance. Facilities that are out of compliance with these standards will be required to come into compliance through the application of BMPs in accordance with the schedule established in Special Condition S1. Facilities not in compliance with standards following the implementation of BMPs will be identified in accordance with Special Condition S7 and will be considered for a further compliance schedule. Ecology reserves the right to take appropriate action for the protection of human health or where standards violations require more immediate action due to obvious and severe violations.

B. The point of compliance with surface water quality standards shall be determined after consideration of the assignment of a dilution zone as allowed under Chapter 173-201 WAC.

The point of compliance with ground water quality standards shall be determined by applying the provisions of Chapter 173-200 WAC. The point of compliance with sediment management standards shall be determined in accordance with Chapter 173-204 WAC.

S5. GROUND WATER

Any diversion of storm water discharges to ground water from existing discharges to surface water shall not be authorized by this permit if this causes a violation or the potential for violation of ground water standards (Chapter 173-200 WAC). Discharges of storm water associated with industrial activity onto or below the surface of the ground, if such discharges occur at sites which have a point source discharge to a surface water or a storm sewer, are subject to the requirements of this permit. Discharges below the surface of the ground are subject to the ground water standards and are also regulated by the Underground Injection Control Program (Chapter 173-218 WAC).

S6. INSPECTIONS, MONITORING, REPORTING, AND RECORDKEEPING FOR INDUSTRIAL FACILITIES

A. Inspections

1. As a minimum, all facilities covered under this permit, other than construction sites, are required to conduct two inspections per year; one during the wet season (October 1 - April 30) and the other during the dry season (May 1 - September 30). Inspection requirements for construction sites are covered in Special Condition S11 of this permit.

2. The wet season inspection shall be conducted during a rainfall event by personnel named in the storm water pollution prevention plan (SWPPP) to verify that the description of potential pollutant sources required under this permit is accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in storm water discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet-weather inspection shall include observations of the presence of floating materials, suspended solids, oil and grease, discolorations, turbidity, odor, etc. in the storm water discharge(s).

3. The dry season inspection shall be conducted by personnel named in the SWPPP. The dry season inspection shall determine the presence of unpermitted non-storm water discharges such as domestic wastewater, non-contact cooling water, or process wastewater (including *leachate*) to the *storm water drainage system*. If an unpermitted, non-storm water discharge is discovered, the permittee shall comply with General Condition G3, and if the discharge cannot be eliminated within six months, the permittee shall apply to Ecology for an appropriate NPDES or State Waste Discharge permit.

B. Monitoring

Sampling and analysis of storm water for pollutants and ground water, surface water, or sediments for impacts of storm water discharges are not required by this permit. However, sampling and analysis are encouraged and may be appropriate during the development and implementation of the SWPPP. Analysis conducted in accordance with 40 CFR Part 136 and Puget Sound Estuary Program Protocols is recommended but not required. Sampling procedures may be conducted in accordance with USEPA's NPDES Storm Water Sampling Guidance Document (EPA 833-B-92-001), July, 1992.

C. Reports and Recordkeeping

1. A report summarizing the scope of the inspection, the personnel conducting the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken in accordance with Special Condition S9.B.3.c of this permit shall be prepared and retained as part of the SWPPP.

2. Reports on incidents, such as discharge of spills and other noncompliance notification (see G3), shall be included in the records.

3. The permittee shall retain the SWPPP and copies of all notices of intent, reports on inspections, spill reports, and all other reports required by this permit for at least five years from the date of the report or submission, and shall make them available upon request to Ecology, and to the owner and operator of the municipal storm sewer system through which the storm water is discharged.

S7. ASSESSMENT OF THE POTENTIAL FOR STANDARDS VIOLATIONS FOR INDUSTRIAL FACILITIES

This permit will be modified or reissued by November 18, 1995 to require an assessment by the permittee of the potential for storm water discharges to cause violations of surface water, ground water, or sediment management standards. The assessment shall be based upon criteria provided by Ecology. This permit will be modified or reissued by November 18, 1995, to require a monitoring plan for any facility whose storm water discharge is determined to have a high potential for violating surface water, ground water, or sediment management standards.

S8. PERMIT FEES

Payment of fees in accordance with RCW 90.48.465 is a condition of this permit. Fees for coverage under this permit will be collected semi-annually starting in the fiscal year beginning July 1, 1993. Fees for storm water discharges covered under this permit shall be established by amendment to Chapter 173-224 WAC.

S9. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) FOR INDUSTRIAL FACILITIES - (Categories 1-9 and 11, of Appendix #1).

A SWPPP shall be prepared and implemented in accordance with the schedule of Special Condition S1 and the objectives and requirements of this Special Condition.

A. Objectives

1. To eliminate the discharges of unpermitted process wastewater, domestic wastewater and non-contact cooling water to storm water drainage systems.

2. To implement Best Management Practices (BMPs) to identify, reduce, eliminate, and prevent the pollution of storm water.

3. To prevent violations of surface water quality, ground water quality, or sediment management standards.

B. General Requirements

1. Permittee:

If the owner and the operator (or tenant) of an industrial facility are not the same, Ecology requires the operator to be the permittee and the owner to have the option of being the co-permittee.

2. Retention and Availability:

The permittee(s) shall retain the SWPPP on-site or within reasonable access to the site and make it available upon request to Ecology; and if discharge is to a municipal storm sewer system, to the municipal operator of the storm sewer system, on request. The SWPPP and all of its modifications shall be signed in accordance with General Condition G20.

3. Modifications:

a. Ecology may notify the permittee when the SWPPP does not meet one or more of the minimum requirements of this section. Within 30 days of such notice, the permittee shall submit to Ecology, a plan for modification of the SWPPP and a schedule for implementing the modification(s).

b. The permittee shall modify the SWPPP whenever there is a change in design, construction, operation or maintenance which cause(s) the SWPPP to be less effective in controlling the pollutants.

c. Whenever a self-inspection reveals that the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) weeks of such inspection. The permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

4. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into a SWPPP become enforceable requirements of this permit (a Pollution Prevention Plan prepared under the Hazardous Waste Reduction Act, Chapter 70.95C RCW, is an example of such a plan).

C. Overall Approach

The following approach shall be used in developing the SWPPP:

1. Assessment of activities and handling of material and equipment on-site that causes or has the potential to cause pollution of storm water.

2. Development and implementation of Best Management Practices (BMPs) to prevent surface water, ground water, or sediment pollution.

D. SWPPP Contents and Requirements

The SWPPP shall contain the following:

1. Assessment and description of existing and potential pollutant sources, including:

   a. A certification by a responsible official (see General Condition G20) of the facility, that the discharge has been investigated for the presence of non-storm water discharges.

      i) Testing for the presence of non-storm water discharges shall be conducted during the dry season or other appropriate time at all storm water discharge locations.

      ii) Tests may include: visual observations of flows, odors, and other abnormal conditions; dye tests, television line surveys; and/or analysis and validation of accurate piping schematics. Records shall be maintained of the description of the methods used, date(s) of testing, locations observed and test results. Additional guidance can be obtained in BMP S2.10, Locating Illicit Connections to Storm Drains, of Ecology's *Stormwater Management Manual for the Puget Sound Basin* (SWMM).

   b. A site map showing the storm water drainage and discharge structures, an outline of the storm water drainage areas for each storm water discharge point (including discharges to ground water), paved areas and buildings, areas of pollutant contact (actual or potential), surface water locations, areas of existing and potential soil *erosion* and vehicle service areas;

      Lands adjacent to the site shall also be depicted where helpful in identifying discharge points or drainage routes.

   c. A list of pollutants that are or have a reasonable potential to be present in storm water discharges in *significant amounts*. The list shall be prepared after inventorying the types of materials handled at the site that potentially may be exposed to precipitation or run-off and reviewing existing discharge sampling data. Such inventory shall include a narrative description of *significant materials* that have been handled, treated, stored, or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of the issuance of this permit and the present; the method and location of on-site storage or disposal; and a list of significant spills and significant leaks of toxic or hazardous pollutants.

d. Identification of all areas associated with industrial activities (see Appendix #1. Section A) which have been or may potentially be sources of significant amounts of pollutants, including the following:

i) Loading and unloading of dry bulk materials or liquids,
ii) Outdoor storage of materials or products,
iii) Outdoor manufacturing and processing,
iv) Dust or particulate generating processes,
v) Roofs or other surfaces exposed to air emissions from a manufacturing building or a process area,
(vi) On-site waste treatment, storage or disposal,
(vii) Vehicle and equipment maintenance and/or cleaning.

2. A description of the BMPs that are needed for the facility to reduce the potential for the discharge of significant amounts of pollutants. The description shall include the following minimum requirements:

a. Operational BMPs

i) Pollution Prevention Team: Identification of specific individual(s) within the plant organization who is/are responsible for developing the SWPPP and assisting the plant manager in its implementation, maintenance, and modification. The activities and responsibilities of the team should address all aspects of the facility's SWPPP.

ii) Good Housekeeping: The ongoing maintenance and cleanup, as appropriate, of areas which may contribute pollutants to storm water discharges; the SWPPP should include cleaning and maintenance schedules.

iii) Preventive Maintenance: Inspection and maintenance of the storm water drainage and treatment systems (if any), and plant equipment and systems that could fail and result in contamination of storm water. Refer to BMP S2.00 in Volume IV of Ecology's SWMM for storm drainage facility maintenance recommendations and to Volume III of the SWMM for storm water treatment facility maintenance recommendations.

iv) Spill Prevention and Emergency Cleanup Plan: Identification of areas where potential spills can contribute pollutants to storm water discharges. Specific material handling procedures, storage requirements, clean up equipment and procedures should be identified, as appropriate. BMP S1.30 in Ecology's SWMM should be used for emergency cleanup guidance. The SWPPP may include excerpts of plans prepared for other purposes (e.g. Spill Prevention Control and Countermeasure (SPCC) plans under Section 311 of the CWA), where those excerpts meet the intent of this requirement.

v) Employee Training: Annual training of employees on the SWPPP, addressing spill response, good housekeeping, and material management practices.

vi) Inspection and Recordkeeping: Identification of plant personnel who will inspect designated equipment and plant areas as required

in Special Condition S6.A. A tracking or follow-up procedure shall be identified to ensure that appropriate action has been taken in response to the inspection. Inspection reporting and recordkeeping procedures and schedules as required in Special Condition S6 and General Condition G19 of this permit shall be described.

b. Source Control BMPs:

Selection of applicable source control BMPs from the following list, as further described in Volume IV of Ecology's Storm Water Management Manual (SWMM) for the Puget Sound Basin, or other equivalent BMPs. For industrial activities not listed below, BMPs shall be employed which prevent the pollution of storm water.

i. BMP S1.10 Fueling Stations

ii. BMP S1.20 Vehicle/Equipment Washing and Steam Cleaning

iii. BMP S1.30 Loading and Unloading Liquid Materials

iv. BMP S1.40 Liquid Storage in Above-Ground Tanks

v. BMP S1.50 Container Storage of Liquids, Food Wastes or Dangerous Wastes

vi. BMP S1.60 Outside Storage of Raw Materials, By-Products or Finished Products

vii. BMP S1.70 Outside Manufacturing Activities

viii. BMP S1.90 Vegetation Management/Integrated Pest Management

c. *Erosion and Sediment Control BMPs*:

Identification of areas which have a high potential for significant soil erosion and measures to limit erosion. Permittees with facilities within the *Puget Sound Basin* shall select from BMPs described in Volume II of Ecology's SWMM or other equivalent storm water BMPs. Permittees with facilities outside the Puget Sound Basin shall select from BMPs described in: Volume II of Ecology's SWMM as adapted for local conditions using best professional judgement; the Erosion and Sediment Control Handbook, by Goldman et al; or other equivalent and appropriate BMPs.

3. If application of the BMPs in Special Condition S9.D.2 is judged by the permittee to be insufficient to prevent the discharge of significant amounts of pollutants, a description of additional BMPs for the facility:

a. *Treatment BMPs*:

Providing treatment of storm water as needed, including but not limited to: oil/water separators, biofiltration, infiltration basins, *detention* facilities, and *constructed wetlands*. Permittees shall use Volumes III and

IV of Ecology's SWMM for selecting appropriate treatment BMPs, or shall select equivalent and appropriate BMPs. Facilities within the Puget Sound Basin shall use Volume III of Ecology's SWMM as guidance for designing treatment BMPs. Facilities outside the Puget Sound Basin shall use standard engineering practice for selecting appropriate treatment capacities.

b. Innovative BMPs:

Innovative treatment, source control, reduction or recycle, or operational BMPs beyond those identified in Ecology's SWMM are encouraged if they help achieve the objectives listed in Special Condition S9.A of this permit.

4. An implementation schedule including interim milestone dates for the BMPs and other activities described in the SWPPP. This schedule shall not extend beyond the deadlines specified in Special Condition S1.

S10. SOLID AND LIQUID WASTE DISPOSAL

The following requirements apply in the handling of solid and liquid wastes generated in compliance with the requirements of this general permit:

A. Disposal of waste materials from maintenance activities, including liquids and solids from cleaning catch basins and other storm water facilities, shall be conducted in accordance with the Minimum Functional Standards for Solid Waste Handling, Chapter 173-304 WAC, and where appropriate, the Dangerous Waste Regulations, Chapter 173-303 WAC.

B. Leachate from the solid waste material handling and disposal sites shall not be discharged to state ground or surface waters without providing all known, available, and reasonable methods of treatment, nor shall such leachate cause violations of the state water quality standards for ground water or surface water or violations of sediment management standards.

S11. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) FOR CONSTRUCTION ACTIVITIES

This special condition applies to construction activity which disturbs five (5) or more acres of total land area (or other minimum land area to be determined by federal regulation) listed at 40 CFR Subpart 122.26 (b)(14)(x) (see Appendix #1, Section A category 10). A SWPPP shall be prepared and implemented in accordance with the schedule of Special Condition S1 and the requirements of this Special Condition.

A. Objectives

1. To eliminate the discharges of non-permitted process water, domestic wastewater, and non-contact cooling water to storm water drainage systems.

2. To implement Best Management Practices (BMPs) to reduce, eliminate, or prevent the pollution of storm water.

3. To prevent violations of surface water quality, ground water quality, or sediment management standards.

B. General Requirements

1. The site owner shall be the permittee and responsible for the implementation of a SWPPP. At construction sites for which a lease, easement, or other use agreement has been obtained from the site owner, the entity obtaining the use agreement shall be the permittee. The SWPPP shall be prepared sufficiently in advance of construction to allow the contractor sufficient time to plan the implementation of the SWPPP.

2. The permittee shall designate on the NOI, a contact person who will be available twenty-four hours a day to respond to emergencies, and to inquiries or directives from Ecology. The contact person shall have authority over the SWPPP implementation.

3. The permittee shall retain the SWPPP on-site or within reasonable access to the site and make it available upon request to Ecology and local governmental agencies with jurisdiction. If storm water is discharged to a municipal storm sewer system, the SWPPP shall be available to the municipality upon request.

4. The permittee shall retain the SWPPP and copies of the notice of intent, inspection reports and all other reports required by this permit for, at least, three years after the date of *final stabilization* of the construction site. The permittee shall make these documents available upon request to Ecology and to the local government agencies with jurisdiction.

C. SWPPP Contents and Requirements:

The SWPPP shall consist of and make provision for the following:

1. An *Erosion and Sediment Control Plan*:

The Erosion and Sediment Control Plan shall describe *stabilization* and structural practices, both of which shall be implemented to minimize erosion and the transport of sediments.

a. Stabilization Practices:

The Erosion and Sediment Control Plan shall include a description of stabilization Best Management Practices (BMPs), including site-specific scheduling of the implementation of the practices. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the plan. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. The plan shall ensure that the following requirements are satisfied:

i) All exposed and unworked soils shall be stabilized by suitable and timely application of BMPs.

ii) Existing vegetation should be preserved where attainable. In the field, mark areas which are not to be disturbed, including setbacks, sensitive/critical areas and their buffers, trees, and drainage courses.

iii) Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. Slopes shall be stabilized in accordance with requirement a. above.

iv) Stabilization adequate to prevent erosion of outlets and adjacent stream banks shall be provided at the outlets of all conveyance systems.

v) All storm drain inlets made operable during construction shall be properly maintained.

vi) Wherever construction vehicle access routes intersect paved roads, provisions must be made to minimize the transport of sediment (mud) onto the paved road. If sediment is transported onto a road surface, the roads adjacent to the construction site shall be cleaned on a regular basis. Street washing shall be allowed only after other methods to prevent the transport or to remove the sediments are unsuccessful.

b. Structural Practices:

In addition to stabilization practices, the Erosion and Sediment Control Plan shall include a description of structural BMPs to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the Federal Clean Water Act. The plan shall ensure that the following requirements are satisfied:

i) Prior to leaving the site, storm water runoff shall pass through a sediment pond or sediment trap, or other appropriate BMPs.

ii) Properties adjacent to the project site shall be protected from sediment deposition.

iii) Sediment ponds and traps, perimeter dikes, sediment barriers, and other BMPs intended to trap sediment on-site shall be constructed as a first step in grading. These BMPs shall be functional before land disturbing activities take place. Earthen structures used for sediment control such as dams, dikes, and diversions shall be stabilized as soon as possible.

iv) Properties and waterways downstream from the construction site shall be protected from erosion due to increases in storm water runoff from the site.

v) All temporary erosion and sediment control BMPs shall be removed within 30 days after final site stabilization is achieved or after the temporary BMPs are no longer needed. Trapped sediment shall be removed or stabilized on-site. Disturbed soil areas resulting from removal shall be permanently stabilized.

c. Selection of Stabilization and Structural BMPs:

Permittees within the Puget Sound Basin shall select from BMPs described in Volume II of Ecology's Stormwater Management Manual for the Puget Sound Basin (SWMM), or other equivalent and appropriate BMPs to comply with the requirements listed in sections a and b above. Permittees outside the Puget Sound Basin shall select from BMPs described in the Erosion and Sediment Control Handbook, by Goldman et al; Volume II of Ecology's SWMM as adapted for local conditions using best professional judgement; or other equivalent and appropriate BMPs to comply with the requirements listed in subsections a and b above.

d. Inspection and Maintenance:

All BMPs shall be inspected, maintained, and repaired as needed to assure continued performance of their intended function. All on-site erosion and sediment control measures shall be inspected at least once every seven days and within 24 hours after any storm event of greater than 0.5 inches of rain per 24 hour period. An inspection report file shall be maintained.

e. Format:

The Erosion and Sediment Control Plan shall consist of two parts: a narrative and a set of site plans. Permittees may refer to Chapter II-4 of Ecology's SWMM for guidance on the content and format.

2. Control of Pollutants Other Than Sediment on Construction Sites:

All pollutants other than sediment that occur on-site during construction shall be handled and disposed of in a manner that does not cause contamination of storm water. Chapter II-3 of Ecology's Stormwater Management Manual for the Puget Sound Basin (SWMM), can be referenced for guidance in controlling other potential pollutants.

3. Coordination with Local Requirements:

This permit does not relieve the permittee of compliance with any more stringent requirements of local government. As required by the Puget Sound Water Quality Management Plan, local governments within the Puget Sound Basin are to adopt minimum requirements for construction which are at least equivalent to the 15 minimum requirements listed in Chapter I-2 of Ecology's SWMM. Where Ecology has determined such local requirements to be equivalent, compliance with the local requirements meets the requirements of this permit.

S12. NOTICE OF TERMINATION (NOT)

Industrial Facility

Where all storm water discharges associated with industrial activity that are authorized by this permit cease because the industrial activity has ceased, and no significant materials remain exposed to storm water, the permittee(s) may submit a *Notice of Termination* (NOT) (see Appendix #2) that is signed in accordance with General Condition G20 of this permit.

Where the operator of a facility with storm water discharges associated with industrial activity changes, the operator of the facility listed as the permittee may submit a Notice of Termination (NOT) (see Appendix #2) that is signed in accordance with General Condition G20 of this permit.

Construction Site

After a site has undergone final stabilization and all storm water discharges from construction activities that are authorized by this permit are eliminated, the site owner shall submit a NOT (see Appendix #3), that is signed in accordance with General Condition G20 of this permit.

Where the site owner changes, the site owner listed as the permittee shall submit a NOT that is signed in accordance with General Condition G20 of this permit. The new site owner shall submit a new Notice of Intent.

G1. Discharge Violations:

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

G2. Proper Operation and Maintenance:

The Permittee shall at all times properly operate and maintain all facilities and systems of collection, treatment, and control (and related appurtenances) which are installed or used by the Permittee for pollution control.

G3. Non-compliance Notification:

If for any reason, the Permittee does not comply with, or will be unable to comply with, conditions specified in the permit, the Permittee shall, at a minimum, provide the Department of Ecology (Ecology) with the following information:

A. A description of the nature and cause of non-compliance, including the quantity and quality of any unauthorized waste discharges;

B. The period of non-compliance, including exact dates and times and/or the anticipated time when the Permittee will return to compliance; and

C. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the non-compliance.

In addition, the Permittee shall take immediate action as expeditiously as practicable, to stop, contain, and clean up any discharge of spills and take all reasonable steps to minimize any adverse impacts to waters of the state and correct the problem. The Permittee shall notify Ecology by telephone so that an investigation can be made to evaluate any resulting impacts and the corrective actions taken to determine if additional action should be taken.

In the case of any discharge which could constitute a threat to human health, welfare, or the environment, 40 CFR Part 122 requires that the information specified in Sections G3.A., G3.B., and G3.C., above, shall be provided not later than 24 hours from the time the Permittee becomes aware of the circumstances. If this information is provided orally, a written submission covering these points shall be provided within five days of the time the Permittee becomes aware of the circumstances, unless Ecology waives or extends this requirement on a case-by-case basis.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the conditions of this permit or the resulting liability for failure to comply.

G4. *Bypass* Prohibited:

The intentional bypass of storm water from all or any portion of a storm water treatment system whenever the design capacity of the treatment system is not exceeded, is prohibited unless the following conditions are met:

A. Bypass is: (1) unavoidable to prevent loss of life, personal injury, or *severe property damage*; or (2) necessary to perform construction or maintenance-related activities essential to meet the requirements of the Clean Water Act and authorized by administrative order; and

B. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated storm water, maintenance during normal periods of equipment down time, or temporary reduction or termination of production;

G5. Right of Entry:

The Permittee shall allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit;

B. To have access to and copy at reasonable times any records that must be kept under the terms of the permit;

C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;

D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and

E. To sample at reasonable times any discharge of pollutants.

G6. Revocation of Coverage:

Pursuant with Chapter 43.21B RCW and Chapter 173-226 WAC, the *director* may terminate coverage under this General Permit. Cases where coverage may be terminated include, but are not limited to the following:

A. Violation of any term or condition of the general permit;

B. Obtaining coverage under a general permit by misrepresentation or failure to disclose fully all relevant facts;

C. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

D. A determination that the permitted activity endangers human health or the environment, or contributes significantly to water quality standards violations;

E. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090;

F. Nonpayment of permit fees assessed pursuant to RCW 90.48.610;

G. Failure of the permittee to satisfy the public notice requirements of WAC 173-226-130(6); or

Revocation of coverage under a general permit may be initiated by Ecology or requested by any interested person.

G7. Transfer of Coverage:

Pursuant with Chapter 43.21 RCW and Chapter 173-226 WAC, the director may require any discharger authorized by this general permit to apply for and obtain an individual permit or to apply for coverage under an industry-specific general permit.

G8. General Permit Modification and Revocation

General permits may be modified, revoked and reissued, or terminated in accordance with the provisions of Chapter 173-226 WAC. Grounds for modification, revocation and reissuance, or termination include but are not limited to the following:

A. A change occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under the general permit;

B. Effluent limitation guidelines or standards are promulgated pursuant to the FWPCA or chapter 90.48 RCW, for the category of dischargers covered under the general permit;

C. A water quality management plan containing requirements applicable to the category of dischargers covered under the general permit is approved; or

D. Information is obtained which indicates that cumulative effects on the environment from dischargers covered under the general permit are unacceptable.

G9. Permit Coverage Modification:

A Permittee who knows or has reason to believe that any activity has occurred or will occur which would constitute cause for revocation or transfer of coverage under General Conditions G6 and G7 respectively, or 40 CFR Subpart 122.62, must report such plans, or such information, to Ecology. Activities which shall be reported include facility expansions, production increases, or process modifications which will (1) result in new or substantially increased discharges of pollutants into storm water or a change in the nature of the discharge of pollutants into storm water, or (2) violate the terms and conditions of this permit. Ecology may then require submission of a new Notice of intent or an application for an individual permit.

Submission of a new notice of intent for coverage under this or another general permit, or an application for an individual permit does not relieve the Permittee of the duty to comply with the terms and conditions of the existing permit until the new notice of intent has been approved or an individual permit has been issued.

G10. Toxic Pollutants:

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation upon such pollutant in this general permit, Ecology shall institute proceedings to modify or revoke and reissue this general permit to conform to the new toxic effluent standard or prohibition.

G11. Other Requirements of Title 40 Code of Federal Regulations:

All other requirements of 40 CFR Subpart 122.41 and 122.42 are incorporated in this permit by reference.

G12. Compliance With Other Laws and Statutes:

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local laws, ordinances, or regulations.

G13. Additional Monitoring:

Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. Removed Substances:

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of storm water shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G15. Duty to Reapply:

The Permittee must reapply for coverage under this general permit, at least 180 days prior to the specified expiration date of this permit. An expired general permit continues in force and effect until a new general permit is issued or until the department cancels it. Only those facilities which have reapplied for coverage under the general permit are covered under the continued permit.

G16. Transfer of Permit Coverage

Coverage under this permit is not transferable to any other person or entity except in compliance with WAC 173-226-210. Ecology requires the new operator to submit a new notice of intent for coverage under this or another general permit, or to apply for and obtain an individual discharge permit. Additionally, Ecology requires the previous operator to submit a Notice of Termination.

G17. Requests to be Excluded from Coverage Under a General Permit:

Any discharger authorized by a general permit may request to be excluded from coverage under the general permit by applying for an individual permit. The discharger shall submit to the director an application as described in WAC 173-220-040, with reasons supporting the request. The director shall either issue an individual permit or deny the request with a statement explaining the reason for denial.

G18. Appeals:

A. The terms and conditions of this general permit, as they apply to the appropriate class of dischargers, are subject to appeal within thirty days of issuance of this general permit, in accordance with Chapter 43.21B RCW, and Chapter 173-226 WAC.

B. The terms and conditions of this general permit, as they apply to an individual discharger, are appealable in accordance with Chapter 43.21B RCW within thirty days of the effective date of coverage of that discharger. Consideration of an appeal

of general permit coverage of an individual discharger is limited to the general permit's applicability or nonapplicability to that individual discharger.

C. The appeal of general permit coverage of an individual discharger does not affect any other dischargers covered under this general permit. If the terms and conditions of this general permit are found to be inapplicable to any individual discharger(s), the matter shall be remanded to the department for consideration of issuance of an individual permit or permits.

G19. Record Keeping Requirements:

The permittee shall maintain records of all information resulting from any activities, including monitoring activities required as a condition of the application for, or as a condition of coverage under a general permit.

Any records of monitoring activities and results shall include for all samples:

A. The date, exact place, and time of sampling;

B. The dates analyses were performed;

C. Who performed the analyses;

D. The analytical techniques/methods used and the method detection limits; and

E. The results of such analyses.

The permittee shall retain for a minimum of five years any records of monitoring activities and results including all original strip chart recording for continuous monitoring instrumentation and calibration and maintenance records. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the department or regional administrator.

G20. Signatory Requirements:

All Notices of Intent and Termination, plans (including the SWPPP), reports, certifications or information either submitted to the Department of Ecology or to the operator of a municipal storm sewer system, or that this permit requires be maintained by the permittee, shall be signed as follows:

A. In the case of corporations, by a responsible corporate officer or a duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates.

B. In the case of a partnership, by a general partner.

C. In the case of a sole proprietorship, by the proprietor.

D. In the case of a municipal, state or other public agency, by either a principal executive officer, ranking elected official, or other duly authorized employee.

G21. Use of Registered or Accredited Laboratories:

Except for flow, temperature and internal process control parameters, monitoring data required as a condition of coverage under this general permit shall be prepared by a laboratory accredited under the provisions of Chapter 173-50 WAC.

G22. Commencement of Coverage Under a General Permit:

Unless the department responds in writing to an application for coverage, coverage of a discharger under a general permit will automatically commence on the later of the following:

A. On the effective date of the general permit;

B. On the thirty-first day following the end of the thirty-day comment period required by WAC 173-226-130(5)(iv) for new operations;

C. On the thirty-first day following receipt by the department of a completed application for coverage under a general permit; or

D. On the coverage date specified in this permit.

G23. Termination of coverage upon issuance of an individual permit or an industry-specific general permit:

When an individual permit is issued to a discharger otherwise subject to this general permit, the applicability of the general permit to that permittee is automatically terminated on the effective date of the individual permit.

When coverage under an industry-specific general permit is granted to a discharger otherwise subject to this general permit, the applicability of this general permit to that permittee is automatically terminated 90 days after the effective date of the industry-specific general permit.

G24. Severability

The provisions of this permit are severable, and if any provision of this permit, or application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

APPENDIX #1

A. EDITED VERSION OF 40 CFR Subpart 122.26(b)(14)

"Storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122. For the categories of industries identified in subparagraphs (1) through (10) below, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR Part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

For the categories of industries identified in subparagraph (11), the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous paragraph where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in this Appendix) include those facilities designated under the provisions of 40 CFR 122.26 (a)(1)(v). The following categories of facilities are considered to be engaging in industrial activity and are listed in 40 CFR Subpart 122.26(b)(14) of the November 16, 1990 Federal regulation.

1. FACILITIES SUBJECT TO STORM WATER EFFLUENT LIMITATIONS GUIDELINES NEW SOURCE PERFORMANCE STANDARDS, OR TOXIC POLLUTANT EFFLUENT STANDARDS specified in 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category 11 below).

2. FACILITIES LISTED UNDER THE FOLLOWING *STANDARD INDUSTRIAL CLASSIFICATIONS* (SIC):

   -24 Lumber and Wood Products (except 2434 - Wood Kitchen Cabinets)
   -26 Paper and Allied Products (except 265 - Paperboard Containers, and 267 - Converted Paper and Paperboard Products)
   -28 Chemicals and Allied Products (except 283 - Drugs)
   -29 Petroleum and Coal Products
   -311 Leather Tanning and Finishing
   -32 Stone, Clay and Glass Products (except 323 - Glass Products made from purchased glass)
   -33 Primary Metals Industries
   -3441 Fabricated Structural Metal
   -373 Ship and Boat Building and Repairing

3. FACILITIES CLASSIFIED AS SICs 10 THROUGH 14 (mineral industry) listed below, including active or inactive mining operations [except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1)] because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas on non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990, and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come in contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations. Inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.

-10 Metal Mining
-12 Coal Mining
-13 Oil and Gas Extraction
-14 Mining and Quarrying of Nonmetallic Minerals, except Fuels

4. HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES, including those operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA).

5. *LANDFILLS, LAND APPLICATION SITES*, AND OPEN DUMPS that receive or have received any industrial wastes (waste that is received from any of the facilities described in this appendix) including those subject to regulation under Subtitle D of RCRA.

6. RECYCLING FACILITIES, facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093.

7. STEAM ELECTRIC POWER GENERATING FACILITIES, including coal handling sites.

8. TRANSPORTATION FACILITIES classified under SICs below, which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations, airport deicing operations or which are otherwise identified under one of the other 11 categories of industrial activities listed in this appendix are associated with industrial activity.

-40 Railroad Transportation,
-41 Local and Interurban Passenger Transportation,
-42 Motor Freight Transportation and Warehousing (except 4221 - Farm Product Warehousing and Storage, 4222 Refrigerated Warehousing and Storage, and 4225 - General Warehousing and Storage),
-43 United States Postal Service,
-44 Water Transportation,
-45 Transportation by Air,

-5171 Petroleum Bulk Stations and Terminals;

9. TREATMENT WORKS treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge, that are located within the confines of the facility, with a design flow of one million gallons per day or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the CWA.

10. Construction Activity, including clearing, grading and excavation activities except: operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale.

11. FACILITIES UNDER THE FOLLOWING STANDARD INDUSTRIAL CLASSIFICATIONS:

-20	Food and Kindred Products
-21	Tobacco Products
-22	Textile Mill Products
-23	Apparel and Other Textile Products
-2434	Wood Kitchen Cabinets
-25	Furniture and Fixtures
-265	Paperboard Containers and Boxes
-267	Converted Paper and Paperboard Products
-27	Printing, Publishing and Allied Industries
-283	Drugs
-285	Paints, Varnishes, Lacquers, Enamels, and Allied Products
-30	Rubber and Miscellaneous Plastic Products
-31	Leather and Leather Products (except 311 - Leather Tanning and Finishing)
-323	Glass Products Made of Purchased Glass
-34	Fabricated Metal Products (except 3441 - Fabricated Structural Metal)
-35	Industrial and Commercial Machinery and Computer Equipment
-36	Electronic and Other Electrical Equipment
-37	Transportation Equipment (except 373 - Ship and Boat Building and Repair)
-38	Measuring, Analyzing, and Controlling Instruments, Photographic, Medical and Optical Goods; Watches and Clocks
-39	Miscellaneous Manufacturing Industries
-4221	Farm Product Warehousing and Storage
-4222	Refrigerated Warehousing and Storage
-4225	General Warehousing and Storage.

B. FACILITIES NOT COVERED UNDER THIS PERMIT

The following industries subject to storm water effluent guideline limitations under 40 CFR Subchapter N, including:

- Cement Manufacturing - All subparts
  (40 CFR Part 411)

- Feedlots - Subpart A - All subcategories except ducks
  (40 CFR Part 412) - Subpart B - ducks

- Fertilizer Manufacturing (40 CFR Part 418)
  - Subpart A - Phosphate
  - Subpart B - Ammonia
  - Subpart F - Ammonium Sulfate Production
  - Subpart C - Urea
  - Subpart D - Ammonium Nitrate
  - Subpart E - Nitric Acid

- Petroleum Refining (40 CFR Part 419)
  - All subparts

- Phosphate Manufacturing (40 CFR Part 422)
  - Subpart D - Defluorinated phosphate rock
  - Subpart E - Defluorinated phosphoric acid
  - Subpart F - Sodium phosphates

- Steam Electric Power Generating (40 CFR Part 423)
  - Runoff from coal piles

- Coal Mining (40 CFR Part 434)
  - Subpart B - Coal preparation plants and associated areas
  - Subpart E - Post-mining areas
  - Subpart B and D - Alkaline mine drainage
  - Subpart C, D, E - Discharges from underground workings of underground mines - not commingled
  - Subpart C - Acid or ferruginous mine drainage

- Mineral Mining (40 CFR Part 436)
  - Subpart B - Crushed stone
  - Subpart C - Construction sand and gravel
  - Subpart R - Phosphate rock
  - Subpart AL - Graphite
  - Subpart D - Industrial sand
  - Subpart E - Gypsum
  - Subpart F - Asphaltic mineral
  - Subpart G - Asbestos and Nollastonite
  - Subpart M - Borax
  - Subpart N - Potash
  - Subpart O - Sodium sulfate
  - Subpart S - Frosch sulfur
  - Subpart W - Magnesite
  - Subpart X - Diatomite
  - Subpart Y - Jade
  - Subpart Z - Novaculite
  - Subpart J - Barite
  - Subpart K - Fluorspar

	- Subpart L - Salines from brine lakes
	- Subpart V - Bentonite
	- Subpart AF - Tripoli
- Ore Mining and Dressing (40 CFR Part 440)	- Subpart A - Iron ore
	- Subpart D - Mercury ore
	- Subpart J - Copper, lead, zinc, gold, silver, molybdenum ores
	- Subpart M - Gold placer mine
	- Subpart B - Aluminum ore
	- Subpart C - Uranium, radium and vanadium ores
	- Subpart E - Titanium ore
	- Subpart F - Tungsten ore
	- Subpart G - Nickel ore
	- Subpart H - Vanadium ore
	- Subpart K - Platinum ores
- Paving and Roofing Materials (40 CFR Part 443)	- Subpart A - Asphalt emulsion
	- Subpart B - Asphalt concrete
	- Subpart C - Asphalt roofing
	- Subpart D - Linoleum and printed asphalt felt

Facilities in the above subcategories shall be required to be permitted under an industry - specific general or an individual permit.

APPENDIX A.2

King County Surface Water Management - Core Requirements

1.2 CORE REQUIREMENTS

The seven Core Requirements are:

(1) **Discharge at the Natural Location.** The discharge from a proposed project site must occur at the natural location.

(2) **Off-Site Analysis.** All proposed projects must identify the upstream tributary drainage area and perform a downstream analysis. Levels of analysis required depend on the problems identified or predicted. At a minimum, a Level 1 analysis must be submitted with the initial permit application.

(3) **Runoff Control.** Proposed projects must provide runoff controls to limit the developed conditions peak rates of runoff to the pre-development peak rates for specific design storm events based on the proposed project site existing runoff conditions, and install biofiltration measures.

(4) **Conveyance System.** All conveyance systems for proposed projects must be analyzed, designed and constructed for existing tributary off-site runoff and developed on-site runoff from the proposed project.

(5) **Erosion/Sedimentation Control Plan.** All engineering plans for proposed projects that propose to construct new, or modify existing drainage facilities, must include a plan to install measures to control erosion and sedimentation during construction and to permanently stabilize soil exposed during construction.

(6) **Maintenance and Operation.** Maintenance of all drainage facilities constructed or modified by a proposed project is the responsibility of the property owner (see Maintenance Requirements for Privately Maintained Drainage Facilities in Appendix A), except King County may assume maintenance of drainage facilities constructed for formal Plat Subdivisions and some Short Plat Subdivisions two years after construction approval.

(7) **Bonds and Liability.** All drainage facilities for proposed projects (except drainage stub-out connections, downspout roof drain infiltration systems and downspout dispersion systems for single-family residential lots) must be constructed in conformance with the bond and liability requirements of King County Code 9.04.100.

1.3 SPECIAL REQUIREMENTS

In addition to the seven Core Requirements, twelve Special Requirements may apply to a proposed project. Each set of requirements below is preceded by the conditions in which the requirements apply its "threshold." Most thresholds can be assessed and the special requirements determined in advance of formal engineering plan preparation. Other thresholds may require a special study before a determination can be made as to the application of a Special Requirement to a proposed project.

The twelve Special Requirements are:

(1) Critical Drainage Areas

(2) Compliance with an Existing Master Drainage Plan

(3) Conditions requiring a Master Drainage Plan

(4) Adopted Basin or Community Plans

(5) Special Water Quality Controls

(6) Coalescing plate oil/water separators

(7) Closed Depressions

(8) Use of Lakes, Wetlands or Closed Depressions for Runoff Control

(9) Delineation of the 100 year Floodplain.

(10) Flood Protection Facilities for Type 1 and Type 2 Streams

(11) Geotechnical Analysis and Report

(12) Soils Analysis and Report